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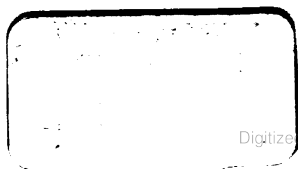
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W. L. Russell Call

ACTS
AND
RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF ARKANSAS,

Passed at the Session, held at the Capitol, in the City of Little
Rock, Arkansas, which began on Monday, January 12th, and
adjourned on Saturday, April 4th, 1891.

BY AUTHORITY.

MOBILETON, ARK.
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PUBLIC AND PRIVATE ACTS
—AND—
JOINT RESOLUTIONS AND MEMORIALS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF ARKANSAS

*Passed at the Session held at the Capitol in the City of Little Rock,
Arkansas, Commencing on the 12th day of January, 1891.*

ACT I.

AN ACT to Provide for the Payment of the Mileage, Per Diem and
Contingent Expenses of the General Assembly.

SECTION

1. Makes appropriation to pay the mileage, per diem and contingent expenses.
2. Act takes effect and in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the sum of one hundred thousand dollars be, and is hereby appropriated out of any money in the Treasury, not otherwise appropriated to pay the mileage, per diem and contingent expenses of the General Assembly.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved January 20, 1891.

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ACT II.

AN ACT to Provide for the Payment of Jury Commissioners.

SECTION

1. Fixes pay of Jury Commissioners.
2. Conflicting laws Repealed.
3. Act takes effect and in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That Jury Commissioners be allowed the sum of three dollars each per day for services as such, Commissioners to be paid by the county.

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved February 3, 1891.

ACT III.

AN ACT to Amend Section 3006 of Mansfield's Digest of the Laws of the State of Arkansas.

SECTION

1. Amends section 3006 of Mansfield's Digest.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section three thousand and six (3006) of Mansfield's Digest be amended so as to read as follows:

SECTION 3006. Whenever any resident of this State shall upon the issue against him for the collection of any debt by contract of any execution or other process, of any attachment except specific attachment, against his property, desire to claim any of the exemptions provided for in article IX of the Constitution of this State, he shall prepare a schedule, verified by affidavit, of all his property, including moneys, rights, credits and choses in action held by himself or others for him and specifying the particular property which he claims as exempt under the provision of said article, and after giving five days

notice in writing to the opposite party, his agent or attorney, shall file the same with the Justice or Clerk issuing such execution or other process or attachment, and the said Justice or Clerk shall thereupon issue a supersedeas staying any sale or farther proceeding under such execution, or process, or attachment, against the property in such schedule described, and claimed as exempted, and by returning the property to the defendant and no alias execution shall be levied on property relieved from process by claim of exemption until after one year from the date of the filing of the schedule of exemptions, *Provided*, That if the debtor has other property than that claimed in any former schedule the officer shall levy upon the same and if the debtor desires to claim further exemptions he shall include in any schedule therefor, all his property. *Provided further*, That if in any such schedule, it shall appear that the debtor has more property in value than is exempt by law, he shall select his exemptions and the remainder of such property shall be subject to the levy of the execution whether the same be included in any former schedule or not. *Provided*, That an appeal may be taken to the Circuit Court from any order or judgment rendered by the Justice of the Peace upon the filing of the affidavit, and executing the bond required in other cases of appeal.

SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved February 4, 1891.

ACT IV.

AN ACT to amend 5998 of Mansfield's Digest.

SECTION

1. Amends section 5998 Mansfield's Digest.
2. Conflicting laws repealed and act in force from passage.

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Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 5998 of Mansfield's Digest be amended so as to read a follows:

That the salary of the County and Probate Judge of Clark County shall be six hundred (\$600.) dollars per annum.

SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved February 4, 1891.

ACT V.

AN ACT to make a Four Wire Fence a Lawful Fence in Certain Territory in Lee County.

SECTION

1. Lawful fences in described territory.
2. All territory in described limit to be effected.
3. Existing laws to apply except as altered.
4. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That a fence erected of posts and intermediate trees not more than sixteen feet apart, and four barbed wires of ordinary size securely attached thereto, the top wire to be not less than four and one-half feet from the ground, and the bottom wire not more than eighteen inches from the ground, shall be a lawful fence in the territory described as follows: Beginning at a point on the L'Anguille river at a point where the township line between township two, north, and three north of the base line in range, three east of the fifth principal meridian crosses said L'Anguille river; thence east with said township line to the range line between the ranges three east and four east, thence north with said range line to a point where it touches Cow Bayou to the St. Francis river in section twenty-three, township three, north, range four east; thence south and south-east with the meanderings of said river to the mouth of said

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L'Anguille river; thence up said L'Anguille river to the place of beginning.

SEC. 2. All the territory within said described limits is the territory to be effected by this act.

SEC. 3. Existing laws regarding lawful fences shall in all respects apply to the fences authorized by this act, except as by this act specifically altered and changed.

SEC. 4. All laws in conflict with this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved February 5, 1891.

ACT VI.

AN ACT to Prevent Gaming with Minors.

SECTION

1. Prohibits gaming with minors and fixes fine.
2. Act does not effect penal laws against gaming.
3. Act in force from passage

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. If any person of full age shall be guilty of betting any money or any valuable thing, on any game of hazard or skill, or game of any kind with any minor he shall on conviction be fined in any sum not less than fifty, nor more than one hundred dollars.

SEC. 2. This act shall not be construed as to repeal or in any manner affect any penal laws now in force in this State against gaming.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved February 5, 1891.

ACTS OF ARKANSAS.

ACT VII.

AN ACT to Amend Section Four Thousand Seven Hundred and Forty-two, (4742) of Mansfield's Digest.

SECTION

1. Amends section 4742 Mansfield's Digest providing where mortgages of non-residents shall be recorded.
2. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section four thousand seven hundred and forty-two, (4742) of Mansfield's Digest, be amended so as to read as follows: Section 4742. All mortgages whether for real or personal estate, shall be proven and acknowledged in the same manner that deeds for the conveyance of real estate are now required by law to be proven or acknowledged; and when so proven or acknowledged shall be recorded, if for lands in the county or counties, in which the lands lie, and if for personal property, in the County in which the mortgagor resides. *Provided*, That if the mortgagor is a non-resident of this State, the mortgage shall be recorded in the County in which the property is situated at the time the mortgage is executed.

SEC. 2. That this act shall take effect and be in force from its passage.

Approved February 5, 1891.

ACT VIII.

AN ACT to Amend Sections 3347, 3348, 3352, 3355 and 3361 of Mansfield's Digest, in Reference to Forcible Entry and Unlawful Detainer and to Extend the Provisions thereof, and to Regulate Proceedings in Such Cases.

SECTION

1. Amends section 3347 of Mansfield's Digest defining forcible entry and detainer.
2. Amends section 3348 Mansfield's Digest. Refusing to give possession after demand unlawful detainer.
3. Amends section 3352 Mansfield's Digest. Writ of possession not to issue without bond.
4. Amends section 3355 Mansfield's Digest; how writ shall be served.
5. Amends section 3361 Mansfield's Digest; court or jury to assess damages and court issue execution.
6. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 3347 of Mansfield's Digest be amended so as to read as follows: If any person shall enter into or upon any lands, tenements or other possessions and detain or hold the same without right or claim of title, or who shall enter by breaking open the doors and windows or other parts of the house whether any person be in or not, or by threatening to kill, maim or beat the party in possession or by such words and actions as have a natural tendency to excite fear or apprehension of danger, or by putting out of doors or carrying away the goods of the party in possession, or by entering peaceably and then turning out by force, or frightening by threats or other circumstances of terror, the party to yield possession, in such cases every person so offending shall be deemed guilty of a forcible entry and detainer within the meaning of this act.

SEC. 2. That section thirty-three hundred and forty-eight (3348) of Mansfield's Digest be amended so as to read as follows: Section 3348. Every person who shall wilfully and without right hold over any lands, tenements or possession after the determination of the time for which they were demised, or let to him or the person under whom he claims, or who shall peaceably and lawfully obtain possession of any such and shall hold the same wilfully and unlawfully after demand made in writing for the delivery or surrender of possession thereof by the person having the right to such possessions, his agent or attorney, or who shall fail or refuse to pay the rent therefor when due, and after three days notice to quit and demand made in writing for the possession thereof by the person entitled thereto, his agent or attorney, shall refuse to quit such possession, shall be deemed guilty of an unlawful detainer.

SEC. 3. That section 3352 of Mansfield's Digest be amended so as to read as follows: Section 3352. The writ of possession specified in the foregoing section shall not be executed in any case unless the plaintiff or some person in his behalf, shall execute to the officer having the writ, a bond with suffi-

cient surety to be approved by such officer, in a sum at least double the value of two year's rent of the property specified in the writ, which value shall be ascertained by the oath of one or more witnesses to be sworn and examined by such officer.

SEC. 4. That section 3355 of Mansfield's Digest be amended so as to read as follows: Section 3355. Upon the receipt of such writ and obligation before required, the sheriff or other officer shall forthwith proceed to execute such writ by ejecting from the premises named therein the defendant or any servant, agent or employee, of his or any other person who shall have received or entered into the possession thereof after the issuance of such writ, and by delivering the possession thereof to the plaintiff or his authorized agent, and by summoning the defendant to appear and answer to the action according to the terms of such writ; *Provided*, If the defendant shall desire to retain possession of such premises, he shall signify the same to the officer, who shall give the defendant five days in which to execute a bond in an amount equal to the bond given in such action by the plaintiff, with sufficient security to be approved by such officer, conditioned that he will deliver possession of the premises to the plaintiff, if the plaintiff recover in the action, and satisfy any judgment the Court may render against him in the action. If such bond be given and delivered as above required, the officer shall leave the possession of such premises with the defendant, and shall return such bond with the writ into Court.

SEC. 5. That section 3361 of Mansfield's Digest be amended so as to read as follows: Section 3361. If upon the trial of any action under this act, the finding or verdict is for the plaintiff, the Court or Jury trying the same, shall assess the amount to be recovered by the plaintiff for the rent due and withheld at the time commencement of suit and up to time of rendering judgment, or the value of the use and occupation or of the rents and profits thereof during the time the defendant has unlawfully detained possession, as the case may be, and damages for withholding the same, or the damages to which said

plaintiff may be entitled on account of the forcible entry and detainer of such premises, and thereupon the Court shall render judgment in favor of the plaintiff for the recovery of such premises, and for any amount of recovery that may be so assessed, and if possession of the premises has not already been delivered to the plaintiff under the writ first issued, shall cause a writ of possession to be issued commanding the officer to whom directed to deliver to the plaintiff, the possession of the premises, and to levy of the goods, chattles, lands and tenements of the defendant the amount of recovery that may have been assessed as aforesaid, together with the costs, or in case possession has already been delivered, shall award the plaintiff execution as in case of judgment in personal actions. In case the finding or verdict is for the defendant the Court shall give judgment thereon with costs and for any damages that may be assessed in favor of the defendant and shall also issue a writ of restitution, directed to the sheriff to cause the defendant to be re-possessed, to which shall be added a clause commanding the sheriff to levy of the goods, chattels, lands and tenements of the plaintiff the damages assessed in favor of the defendant with costs. If the finding and judgment be in favor of the defendant, but from any cause, he be not entitled to the re-possession of the premises at the time of judgment, then the writ of execution shall only be for the damages and costs that may be awarded him, and in all cases where judgment is rendered, either against the plaintiff or defendant for any amount of recovery, damages or costs, judgment shall also be rendered against his sureties in the bond given under the provisions of this act.

SEC. 6. That all acts and parts of acts in conflict with the provisions of this act, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved February 5, 1891.

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ACT IX.

AN ACT to Amend Section 3 of an Act of the General Assembly Approved March 9, 1887, Entitled "An Act to Establish a Court of Common Pleas in Arkansas County."

SECTION

1. Amends an act establishing a court of Common Pleas in Arkansas County; regulates the rules of practice.
2. Conflicting laws repealed.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 3 of an act entitled, "An act to establish a Court of Common Pleas, in Arkansas County" approved March 9th, 1887, be and the same is hereby amended to read as follows:

That the rules of practice governing the Circuit Court shall be the rules of practice in this Court, and any pleading, service, process, record or other proceedings, which are required in the Circuit Court shall be required and held sufficient in this Court. *Provided, however,* That on the second day of the term of said Court, the Court shall render judgment by default, in all actions wherein due service has been had, as provided by law, and no defense has been filed. *Provided, further,* That the Court may for good cause allow further time for filing a defense.

SEC. 2. That all acts and parts of acts in conflict with this act are hereby repealed.

Approved February 10, 1891.

ACT X.

AN ACT to Amend Section 6038 of Mansfield's Digest of the Statutes of Arkansas.

SECTION

1. Amends section 6038 Mansfield's Digest; fixes salary County Judge of Nevada county
2. Conflicting laws repealed and act in force after January 1. 1892.

Be it enacted by the General Assembly of the State of Arkansas:

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SECTION 1. That section six thousand and thirty-eight (6038) of Mansfield's Digest of the Statutes of Arkansas be amended so as hereafter to read as follows:

Section 6038. The salary of the County and Probate Judge of Nevada County shall be six hundred dollars per annum.

SEC. 2. That all laws in conflict herewith are hereby repealed, and that this act take effect from and after January 1st, 1892.

Approved February 10, 1891.

ACT XI.

AN ACT to Repeal Section 6416, 6417 and 6418 of Mansfield's Digest.

SECTION

1. Repeals sections 6416, 6417 and 6418 Mansfield's Digest and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That sections 6416, 6417 and 6418 of Mansfield's Digest are hereby repealed and this act take effect and be in force from and after its passage.

Approved February 10, 1891.

ACT XII.

AN ACT to Amend an Act Entitled an Act to Prevent the Sale or Giving Away of Intoxicants Within Three Miles of Fouche Valley High School, Approved March 8th. 1887.

SECTION

1. Amends an act to prevent the sale or giving away intoxicants within three miles of Fouche Valley High school; extends territory to five m'les.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section one of an act entitled an act to prevent the sale or giving away of Intoxicants within three miles of Fouche Valley High School, be and the same is amended, so as to read as follows:

That hereafter it shall be unlawful for any person to sell or give away alcohol, or any malt, fermented or intoxicating drinks, spirits or liquors of any kind or any compound or preparation thereof, called tonics, bitters or medicated liquors, within five (5) miles of Fouche Valley High School, situated on the north-east quarter of south-west quarter in section 36, township four (4) north, range twenty-three (23) west, in Yell County, Arkansas.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed and this act to take effect and be in force from and after its passage.

Approved February 13, 1891.

ACT XIII.

AN ACT to Amend Section 980 of Mansfield's Digest.

SECTION

1. Amends section 980 Mansfield's Digest.
2. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 980 of the Revised Statutes of the State of Arkansas, be amended so as to read as follows:

If the President or Secretary of any such corporation shall neglect or refuse to comply with the provisions of section 971 and to perform the duties required of them respectively, the persons so neglecting or refusing shall jointly and severally be liable to an action founded on this Statute, for all debts of such corporation contracted during the period of any such neglect or refusal.

SEC. 2. That this act be in force from and after its passage.

Approved February 14, 1891.

ACT XIV.

AN ACT to Exempt from the Lien of a Mortgage, or other Incumbrance, the Increase of an Animal Subject to Such Lien.

SECTION

1. A lien shall not extend to the offspring on an animal.
- 2 Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the lien of a mortgage or other incumbrance shall not extend to, nor cover the increase or offspring of an animal that is subject to such lien.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved February 16, 1891.

ACT XV.

AN ACT to Prevent Taking off of Scaleage in Weighing Cotton in the State of Arkansas.

SECTION

1. Prevents scaleage of cotton.
2. Any person violating guilty of misdemeanor.
3. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. Hereafter it shall be unlawful for any person who weighs cotton in the State of Arkansas, to take off anything for scaleage.

SEC. 2. Any person violating the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum, not less than five (\$5.00) nor more than twenty-five (\$25.00) dollars.

SEC. 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed, and this act take effect and be in force from and after its passage.

Approved February 16, 1891.

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ACT XVI.

AN ACT to Provide for the Building, by Any County in this State, of
Bridges Across Navigable Streams Over Four Hundred Feet in
Width.

SECTION

1. County Court to appoint commissioners to locate and receive plans, specifications and bids.
2. Commissioners to award contract to best bidder, having a right to reject all bids
3. No bid to be considered unless accompanied by certified bank check for \$5,000.
4. Contractor to execute bond.
5. Act in force from passage, but not to conflict with existing laws.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. Whenever a highway bridge is to be built across a navigable stream, over four hundred feet in width, by any county in this State, it shall be the duty of the County Court of such county to appoint a commission of two competent persons, who shall be property-holders and taxpayers of said county, and who, in conjunction with the County Judge, shall constitute a Board of Commissioners, whose duty it shall be to locate said bridge, and when so located, to give at least thirty day's notice, by publication in one or more newspapers published in the county, that they are ready to receive plans, specifications and bids for the erection of said bridge.

SEC. 2. After receiving said plans and specifications and bids, said Board of Commissioners shall without delay proceed to make a careful examination thereof, shall determine, after taking into consideration the style, principle and durability of each plan submitted, and the character and quality of material to be furnished, who is the lowest and best bidder, and thereupon shall award to such bidder the contract for building said bridge, *Provided*, said Commissioners shall have the right to reject any and all bids.

SEC. 3. No bid shall be entertained by said Board of Commissioners unless the same be accompanied by a certified bank check in the sum of five thousand dollars, with the understanding that said amount shall be forfeited to the county should the contract be awarded to said bidder, and he shall fail, with-

in ten days thereafter, to execute the said contract and give the bond hereinafter referred to.

SEC. 4. That when said contract shall be awarded to any bidder, the latter shall be required to give a good and sufficient bond, to be approved by said commissioners, in a sum equal to twenty-five per cent. of the full amount of the bid, conditioned for the faithful performance of said contract within the time limited therefor.

SEC. 5. This act shall take effect and be in force from and after its passage, and shall not conflict with the operation of the laws relating to bridges and embraced in chapter 16 of Mansfield's Digest.

Approved February 19, 1891.

ACT XVII.

AN ACT to Promote the Comfort of Passengers on Railway Trains and for other Purposes.

SECTION

1. Requires railroads to provide separate coaches and waiting rooms for the white and African races. No persons to occupy seats other than the ones provided.
2. Officers and agents to assign coaches or rooms and enforce same; Penalty.
3. Railway companies or employees, violating guilty of misdemeanor; Penalty. Law to be posted in coaches and waiting rooms.
4. Persons with visible admixture of African blood to be deemed Africans
5. Prevents the use of obscene, profane or boisterous language in a car or waiting room
6. Railroads to provide wholesome drinking water.
7. Conflicting laws repealed and act in force six months after passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That all railway companies carrying passengers in their coaches in this State shall provide equal but separate and sufficient accommodations for the white and African races, by providing two or more passenger coaches for each passenger train. *Provided*, That on all lines of railway less than twenty-five miles long, passenger coaches may be divided by a partition so as to secure separate accommodations, and they shall also provide separate waiting-rooms of equal and sufficient accommodations for the two races

at all their passenger depots in this State. *Provided*, That this section shall not be construed to apply to street railroads. No person or persons shall be permitted to occupy seats in coaches or in waiting-rooms other than the ones assigned to them on account of the race to which they belong.

SEC. 2. That the officers of such passenger trains and the agents at such depots shall have power and are hereby required to assign each passenger or person to the coach or compartment or room used for the race to which such passenger or person belongs. Any passenger or person insisting on going into a coach or compartment or room to which by race he does not belong, shall be liable to a fine of not less than ten dollars nor more than two hundred dollars, and any officer of any railroad company assigning a passenger or person to a coach or compartment or room other than the one set aside for the race to which said passenger or person belongs, shall be liable to a fine of twenty-five dollars; and should any passenger refuse to occupy the coach or compartment or room to which he or she is assigned by the officer of such railway company, said officer shall have power to refuse to carry such passenger on his train, and that should any passenger, or any other person not a passenger, for the purpose of occupying or waiting in such sitting or waiting-room not assigned to his or her race, enter said room, said agent shall have the power and it is hereby made his duty to eject such person from such room, and for such acts neither they nor the railway company which they represent shall be liable for damages in any of the courts of this State.

SEC. 3. That all railway companies that shall refuse or neglect to comply with the provisions and requirements of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction before any court of competent jurisdiction, be fined not less than one hundred dollars nor more than five hundred dollars, and every day that such railway company shall fail to comply with the provisions of this act, and every train run in violation of the provisions hereof, shall be a separate offense, and any conductor or other employees of such passenger train

having charge of the same, or any agent at such depot who shall refuse or neglect to carry out the provisions of this act, shall, on conviction, be fined not less than twenty-five dollars nor more than fifty dollars for each offense. All railroad corporations carrying passengers in this State, other than street railroads, shall keep this law posted up in a conspicuous place in each passenger coach and waiting-room. *Provided*, That officers accompanying prisoners may be assigned to the coach or room to which said prisoners belong by reason of race.

SEC. 4. Persons in whom there is a visible and distinct admixture of African blood shall, for the purposes of this act, be deemed to belong to the African race; all others shall be deemed to belong to the white race.

SEC. 5. It shall be unlawful for any passenger, or any railroad official or employee to use any obscene, profane or boisterous language in any railroad waiting-room or car in which passengers are transported, and any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, be fined not less than five nor more than twenty-five dollars; and it shall be the duty of conductors and station agents to eject any person violating the provisions of this section from the car or waiting-room.

SEC. 6. That all railroads shall provide good and wholesome water for drinking purposes at all of their stations or waiting-rooms and in all their passenger cars for the use of the traveling public.

SEC. 7. That all laws or parts of laws conflicting with the provisions of this act be and the same are hereby repealed, and that this act shall take effect and be in full force six months after its passage.

Approved February 23, 1891.

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ACT XVIII.

AN ACT to Amend Section Two (2) of an Act to Establish Two (2) Separate Judicial Districts in the County of Franklin in the State of Arkansas, Approved March 14, 1885.

SECTION

1. Amends an act establishing two separate judicial districts in Franklin county.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter section two (2) of an act to establish two (2) separate Judicial Districts in the County of Franklin, in the State of Arkansas, and approved March 14, 1885, be and the same is hereby amended as to read as follows:

Section two (2). That all that part of Franklin County lying North of the Arkansas River, and Middle and Grove townships as they are now defined on the South side of the Arkansas river, shall compose and be called the Ozark District, and the residue of said county shall compose and be called the Charleston District, and that all causes and all papers now on file and pending before any of the Courts in the Charleston District in said county, which said causes by virtue of the change of boundaries herein be transferred by the respective Clerks of the County and Circuit Courts as soon as practical.

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed, and this act take effect and be in force from and after its passage.

Approved February 24, 1891.

ACT XIX.

AN ACT to Cede Exclusively Jurisdiction to the United States Over a Site for a Public Building in the City of Camden, Arkansas.

PREAMBLE

Recites that Congress has appropriated money for a public building at Camden on certain conditions.

SECTION

1. Grants exclusive jurisdiction to the United States over any lot or block which may be purchased in Camden.

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WHEREAS, By an act of Congress entitled, "An act for a public building at Camden, Arkansas, and appropriating (\$25,000,) twenty-five thousand dollars to carry out the objects of said act;" and

WHEREAS, It is provided by said act that no part of said sum shall be expended until a valid title to the said site shall be vested in the United States; nor until the State of Arkansas shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof for all purposes except the administration of the criminal laws of said State and the service of civil process therein; therefore,

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the State of Arkansas hereby consents to the purchase by the United States of a site for a public building mentioned in the act of Congress aforesaid and hereby cedes and grants to the United States exclusive jurisdiction over any lot or lots, or block of ground within the corporate limits of said City of Camden, not exceeding in area 360 feet square, which shall or may be purchased by the United States as a site for a building under the act aforesaid, during the time the United States shall be or remain the owner thereof for all purposes except the administration of the criminal laws of said State, and the service of civil process therein.

Approved February 28, 1891.

ACT XX.

AN ACT to Authorize the State Treasurer to Employ Additional Clerical Aid.

PREAMBLE

Recites increase of work in State Treasurer's office.

SECTION

- 1 Authorizes State Treasurer to employ one or more clerks temporarily, and appropriates \$100.
- 2 Act in force from passage.

WHEREAS, owing to the immense work incident to the transfer of the funds in the State Treasury, a part of the work in the office has necessarily fallen behind, therefore:

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1 That the State Treasurer be and he is hereby authorized to employ one or more clerks, temporarily, to aid in performing the necessary clerical work in that office: *Provided*, That not more than the sum of one hundred dollars be expended herein, and the sum of one hundred dollars be and is hereby appropriated for the purpose of carrying into effect the provisions hereof.

SEC. 2. This act take effect from its passage.

Approved February 28, 1891.

ACT XXI.

AN ACT to Regulate the Levy and Seizure and Sale of Shares or Stock in Corporations Under Writs of Execution or Attachment.

SECTION

1. Provides how levy or attachment shall be served.
2. Shares to be sold as other personal property and officer to execute certificate of purchase.
3. Officers of corporation to transfer stock purchased.
4. Conflicting laws repealed.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. Whenever an officer, having an execution or writ of attachment in his hands, shall levy on shares or stock in corporations, he shall make such levy or seizure by leaving a true copy of such writ with the President, Secretary or Cashier, or other officer, with the certificate of the officer making such levy, that he levies upon and takes such rights or shares to satisfy such execution.

SEC. 2. That shares or stock thus levied upon or seized, shall be sold by the officer in the same manner, as other personal property is sold under the writ by virtue of which the levy is made, and the officer, making the sale, shall execute

and deliver to the purchaser thereof a certificate, which said certificate may be in the following form: I (name of the officer and his office) hereby certify, that I have this——day of—— sold to (name of purchaser) —— shares of the Capital Stock of the (name of the corporation) in conformity with the laws of the State, which said shares were by me seized on the —— day of ——, under and by virtue of a certain writ of (describe the writ) issued and delivered to me out of the —— Court, on the —— day of —— in favor of (name of plaintiff) against (name of defendant,) for the sum and price of \$——, which was the highest and best bid therefor. Witness my hand this —— day of ——.

SEC. 3. That upon presentation of such Certificate to the President, Secretary or Cashier or other principal officer of said corporation, who has charge of the stock books of the corporation, it shall be the duty of such officer, to issue to the holder of said certificate, a certificate of stock for the number of shares thus levied on and sold, and transfer it on the stock books of the corporation, in the same manner as if transferred by the owner in person, and he shall also issue to such holder of the certificate of purchase, a certificate of transfer, under the seal of the corporation, which may be recorded in the office of the County Clerk of the County, as now provided for by section 971 of Mansfield's Digest, and when so transferred, the stock of the person whose interest has been sold by the officer under the writ of execution or attachment, shall be deemed cancelled and wholly void.

SEC. 4. That all laws in conflict herewith, be and the same are hereby repealed.

Approved February 28, 1891.

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ACT XXII.

AN ACT to Prevent Unprofessional Conduct in the Practice of
Medicine.

SECTION

1. License to be revoked.
2. Accused to be cited to appear before board.
3. Secretary to issue subpoena for witnesses.
4. Secretary to notify county clerk and the physician.
5. Gives right of appeal to state board.
6. Secretary of county board to certify facts and send all papers to state board.
7. New license may be granted after expiration of one year.
8. Secretary of county board failing to perform his duty guilty of misdemeanor; Penalty.
9. Defines unprofessional conduct.
10. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. If any physician engaged in the practice of medicine by virtue of a license issued under the laws of the State of Arkansas, is guilty of unprofessional conduct as hereinafter defined, the board of medical examiners in the County where he is engaged in the practice shall revoke his license.

SEC. 2. Before any license is revoked the board of examiners shall cite the physician accused of unprofessional conduct to appear before said board on a given day, and show cause why his license should not be revoked.

SEC. 3. The Secretary of the board of medical examiners shall issue a subpoena for such witness, or witnesses, as the board or the defendant may desire, and the Sheriff of the County shall serve such notice and the said summons shall have such legal force and authority as a like summons issued from any other authorized Court. The fees to the Secretary of the board and the Sheriff shall be the same, as for other similar service under the laws of the State.

SEC. 4. Whenever such license is revoked, the Clerk of the board of medical examiners shall certify the fact to the County Clerk, and to the physician himself, and the physician shall thereafter be prohibited from the practice of medicine, or any of its branches within the limits of the State, and subject to all the penalties prescribed for the practice of medicine without license.

SEC. 5. Any physician, whose license has been revoked by any County board of medical examiners, may appeal to the State board of medical examiners, whose action, after a careful investigation of all the facts connected therewith, shall be final.

SEC. 6. When any physician wishes to take an appeal from the action of any County board of medical examiners, the Secretary of said County board shall certify the fact, together with all facts and papers in the case, to the State board of medical examiners within ten days after receiving notice of such appeal.

SEC. 7. After the expiration of one year, any physician whose license has been revoked, may apply for new license and if the board of medical examiners are satisfied that he has reformed and is worthy they may issue him a new license.

SEC. 8. If the Secretary of any board of county medical examiners, shall refuse or neglect to perform any of the duties required of him, by this act, he shall be deemed guilty of a misdemeanor and subject to a fine of not less than five nor more than twenty-five dollars.

SEC. 9. Unprofessional conduct for the purposes of this act, shall be held to be:

1st. The procuring or aiding and abetting in the procuring of criminal abortion.

2nd. Employing, or using what are known as Cappers, Steerers, or Drummers, or the subsidizing of hotels, or boarding houses to procure practice.

3rd. The obtaining of any fee on the assurance that a manifestly incurable disease can be permanently cured.

4th. The wilfully betraying a professional secret, to the detriment of a patron.

5th. All advertising of medical business in which untruthful and improbable statements are made.

6th. All advertisement of any medicine or means whereby the monthly period of women can be regulated or the menses re-established.

7th. Conviction of any offense involving moral turpitude.

8th. Habitual drunkenness.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved February 28, 1891.

ACT XXIII.

AN ACT to Change Time of Holding Circuit Court in Prairie and Monroe Counties.

SECTION

- 1 Changes the time for holding Court in Northern district of Prairie county.
- 2 Changes the time for holding Court in Southern district of Prairie county.
- 3 Changes the time for holding Court in Monroe county.
- 4 Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter the terms of Circuit Court of the Northern District of Prairie County shall commence on the second Monday after the third Monday in February and August and continue for one week.

SEC. 2. That hereafter the terms of the Circuit Court for the Southern District of Prairie County shall commence on the (3) third Monday after the third Monday in February and August and continue for two (2) weeks.

SEC. 3. That hereafter the term of the Circuit Court of Monroe County shall commence on the fifth (5) Monday after the third (3) Monday in February and August, and continue for three (3) weeks.

SEC. 4. That all the laws and parts of laws in conflict herewith are hereby repealed, and this act be in force from and after its passage.

Approved March 2, 1891.

ACT XXIV.

AN ACT to Fix the Time for Holding the Several Circuit Courts in the Tenth (10) Judicial District.

SECTION

1. Fixes the time for holding the Circuit Courts in the Tenth Judicial district.
2. All writs and processes made returnable at the time fixed by this act.
3. Act to take effect sixty days after its passage and conflicting laws repealed.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter the Circuit Courts of the counties composing the Tenth (10) Judicial District, shall begin and be held on the days, and at the times following, to-wit:

In Dallas County on the first Mondays in December and July of each year.

In Cleveland County on the third Mondays in December and July of each year.

In Bradley County on the first Mondays in January and August of each year.

In Ashley County on the third Mondays in January and August of each year.

In Drew County on the second Mondays in February and and September of each year.

In Chicot County on the first Mondays in March and October of each year.

SEC. 2. That no writ or process, issued from any of said Courts before the passage of this act shall be invalidated but all such shall be returned to the Courts at the times and on the days mentioned herein and cases shall be tried as though such writs or process had originally been made returnable on the day herein mentioned.

SEC. 3. That this act take effect and be in force sixty days after its pasage, and that acts or laws in conflict herewith be, and are hereby repealed.

Approved March 2, 1891.

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ACT XXV.

AN ACT to Define the Boundary Line Between the Counties of Sharp and Randolph.

SECTION

1. Defines the boundary line between Sharp and Randolph counties.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the boundary line between the Counties of Sharp and Randolph be and the same is specifically designated and defined as follows: Beginning at a point on the State line between Missouri and Arkansas in the center of section four (4) township twenty-one (21) north of the base line in range four (4) west of the fifth (5) principal meridian, and running south to the center of section nine (9) of said township, thence east one-half mile to the quarter section corner of sections nine (9) and ten (10), thence south one-half mile to section corner of nine (9), ten (10), fifteen (15) and sixteen (16), thence east one mile to the section corner of sections ten (10), eleven (11), fourteen (14) and fifteen (15), thence south half a mile to the quarter section corner of sections fourteen (14) and fifteen (15), thence east one mile to the quarter section corner of thirteen (13) and fourteen (14), thence south one-half mile to the section corner of sections thirteen (13) and fourteen (14), twenty-three (23) and twenty-four (24), thence east one-fourth of a mile, thence south one mile, thence east one-fourth of a mile to the quarter section corner of sections twenty-four (24) and twenty-five (25), thence south one mile to the quarter section corner of sections twenty-five (25) and thirty-six (36), thence east one-fourth of a mile, thence south one mile, thence east two and a quarter miles to the section corner of sections four (4) and five (5), township twenty (20) north, range three (3) west, thence south two miles to the section corner of sections eight (8), nine (9), sixteen (16) and seventeen (17), thence east one mile to the section corner of section nine (9), ten (10), fifteen (15) and sixteen (16); thence south one mile to the section corner of sections fifteen (15), sixteen (16), twenty-one (21) and twenty-two (22); thence

east one mile to the section corner of sections fourteen (14), fifteen (15), twenty-two (22) and twenty-three (23); thence south three (3) miles to the section corner of sections thirty-four (34) and thirty-five (35); thence east one mile to section corner of sections one (1) and two (2), township nineteen (19) north, range three (3) west; thence south five (5) miles to section corner of twenty-five (25), twenty-six (26), thirty-five (35) and thirty-six (36), thence east one mile to the section corner of twenty-five (25) and thirty-six (36); thence south on the township line to the township corner of nineteen (19) north range three (3) west, nineteen (19) north range two (2) west, eighteen (18) north range two (2) west and eighteen (18) north range three (3) west.

SEC. 2. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 2, 1891.

ACT XXVI.

AN ACT to Amend Section 2568 of Mansfield's Digest of the Statutes of Arkansas.

SECTION

1. Amends section 2568 Mansfield's Digest: In final judgment for divorce granted to husband restores to each party all property which either party obtained from the other. Divorce granted to wife gives her one-third interest in husband's personal property and his estate in one-third of his realty. The court to specify the property. *Proviso* not to apply to suits pending at time of passage of the act.
2. Conflicting laws repealed and act in force from passage

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 2568 of Mansfield's Digest of the Statutes of Arkansas be so amended as to read as follows: In every final judgment for divorce from the bonds of matrimony granted to the husband, an order shall be made that each party be restored to all property not disposed of at the commencement of the action, which either party obtained from or through the other during the marriage, and in consideration or

by reason thereof; and where a divorce is so granted to the wife, the court shall make an order that each party be restored to all property not disposed of at the commencement of the action, which either party obtained from or through the other during the marriage, and in consideration or by reason thereof; and the wife so granted a divorce against the husband shall be entitled to one-third of her husbands personal property absolutely, and one-third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage for her life unless the same shall have been relinquished by her in legal form, and every such final order, or judgment shall designate the specific property, both real and personal to which such wife is entitled; and, when it appears from the evidence in the case to the satisfaction of the court, that such real estate is not susceptible of the division herein provided for without great prejudice to the parties interested, the court shall order a sale of said real estate to be made by a commissioner to be appointed by the court for that purpose at public auction to the highest bidder, upon the terms and conditions, and at the time, and place fixed by the court; and the proceeds of every such sale after deducting the costs and expenses of the same, including the fee allowed said commissioner by said court for his services, shall be paid into said court and by the court divided among the parties in proportion to their respective rights in the premises. The proceedings for enforcing these orders may be by petition of either party specifying the property the other has failed to restore, or deliver, upon which the court may proceed to hear and determine the same in a summary manner after ten days notice to the opposite party. *Provided*, That the provisions of this act shall not apply to suits pending at the time of the passage of the same, but all such suits shall be governed by the laws in force at the time of the institution of such suit.

SEC. 2. That all laws and parts of laws in conflict herewith are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved March 2, 1891.

ACT XXVII.

AN ACT to Enable the Owners of Sections Two, Eleven, Fourteen and Twenty-three, in Township Four (4) North of Range Fifteen (15) West, in Faulkner County, Arkansas, to Construct Gates Across the River Road in said County Between Sections Eleven, (11) and Two (2) and Between Sections Fourteen (14) and Twenty-three (23) All in Township Four (4) North of Range Fifteen (15) West

SECTION

1. Authorizes persons living in a certain territory in Faulkner county to erect gates across the River road; *Provido*, Gates to be kept in good repair with convenient fastening and does not abolish said road as a highway.
2. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the owners of lands lying in sections 11, 2, 14 and 23, in township 4 north of range 15 west, are hereby authorized to erect gates across the River road in Faulkner County, Arkansas, at points between sections 11 and 2 and between sections 14 and 23, all in township 4 north of range 15 west; *Provided*, The said gates are kept, by said owners, in good repair and with convenient fastenings; and, *Provided*, That this act shall not be construed as to abolish said road as a public highway.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 3, 1891.

ACT XXVIII.

AN ACT to Change the Time of Holding the County Courts in Newton County.

SECTION

1. Changes time for holding the Circuit Court in Newton County.
2. Conflicting laws repealed.
3. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the County Courts of Newton County shall be held on the first (1) Mondays in April and October

and on the third (3) Mondays in January and July of each year.

SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved March 3, 1891.

ACT XXIX.

AN ACT to Amend an Act Entitled, "An Act for the Donation of Forfeited Lands, Approved April 4, 1887."

SECTION

1. Amends an act for the donation of forfeited lands, approved April 4, 1887. Donee must establish personal residence within three months unless prevented by unavoidable cause. Final proof must be made within one month of the expiration of three years.
2. Failure to comply grounds for contest.
3. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section (5) of an act entitled "An act for the donation of forfeited lands approved April 4, 1887" be amended to read as follows: Section 5. Each person receiving such donation shall establish his or her actual personal residence in a house upon the land applied for within three months from the date of such certificate, *Provided*, any person who has received or who may hereafter receive a donation to any of the forfeited lands of the State and who has been or who may hereafter be prevented from establishing his or her actual personal residence upon his or her donation within the time now prescribed by law, by inundation of such donation or by adverse possession of said donation being held by another or by any unavoidable cause, shall have the time extended for establishing such residence upon such donation, to such time as the hindering cause, or causes herein mentioned have ceased, or shall cease to exist, not to exceed however eighteen months from the date of the donation, by presenting to the Commis-

sioner of State Lands satisfactory proof supported by the affidavit of two respectable citizens that the donee was prevented from establishing his or her actual personal residence upon such donation by the existence of one or more of the hindering causes enumerated in this section, and upon the presentation of such satisfactory proof to the Commissioner of State Lands, it shall be lawful for him to extend the time for establishing such residence to a time to be by him fixed according to the provisions of this act. Such donee shall actually reside upon for a period of three years from the time herein fixed, or that may be fixed by the Commissioner of State Lands, according to the foregoing provisions for actual settlement and shall clear, fence and place in cultivation at least (5) acres of said land within such period, and within one (1) month of the date of the expiration of the three (3) years from the date of actual settlement, such donee shall obtain from the County Surveyor of the County in which such lands may be situated, or in case of his absence or sickness, from any competent Surveyor whose competency shall be certified to by the Clerk of the County Court of the County in which such donation is situated, a certificate setting forth the proper description of the land embraced in such donation; and, that he has within ten days next proceeding the date of his certificate made an accurate and careful survey according to the established lines of said lands as fixed by the United States, of the identical tract described, that the improvements on said land are bona fide and substantial and that the donee has cleared, fenced and has in cultivation at least five (5) acres of such land, such donee shall make proof before the County Clerk of the Circuit Court of the County wherein such land is situated, describing the improvements he has placed upon the land giving the value of the same, the date of actual settlement, periods of his or her actual inhabitancy of the tract donated, which proof shall be corroborated by the separate testimony of two disinterested and respectable citizens who shall be citizens of the County in which said donation is situated.

SEC. 2. That the failure of the donee to establish a residence upon the land donated, within the time prescribed by

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this act, be and the same is hereby made an additional ground of contest of the donee's right to his donation.

SEC. 3. That all laws and parts of laws in conflict with this act are hereby repealed, and this act shall be in force from and after its passage.

Approved March 3, 1891.

ACT XXX.

AN ACT to Regulate Elections in the State of Arkansas.

SECTION

1. Governor, Auditor and Secretary of State Board of Election Commissioners to appoint County Election Commissioners. County Commissioners to select judge of election; no candidate for office or his employee to be appointed. Notice of appointment how made. Term of office and time of meeting of County Commissioners. Vacancies how filled.
2. Qualifications of election judges.
3. Term of office of election judges.
4. Vacancies how filled. Judges to appoint clerks.
5. Time of opening and closing polls.
6. County Commissioners may change boundaries and make new precincts, but no changes to be made within 30 days of an election. Any changes to be made of record and notice given.
7. Persons of the white and colored races to vote alternately.
8. Sheriff to appoint deputies for each precinct. County Commissioners to appoint if Sheriff is a candidate.
9. County Commissioners to provide ballot boxes and blanks. Sheriff to deliver same to judges.
10. Provides how count shall be made.
11. Provides how returns shall be made and forwarded.
12. Penalty for failure to perform service.
13. Commissioners to dispatch messenger when.
14. County Commissioners to canvass the vote and make return to the proper officers and deliver certificates of election. Duty of Secretary of State.
15. How and when a recount may be had.
16. County Commissioners shall keep ballots and certificates for six months, except in certain cases. Penalty for violating this section or disclosing how any one voted.
17. When Secretary of State shall dispatch messenger. Penalty for Commissioners neglecting to send returns.
18. Qualification of voters.
19. Ballots to be furnished at the expense of the counties and municipal corporations.
20. Number of ballots to be provided. Ballots not furnished by Commissioners not to be counted, but to be preserved.
21. Ballots to be uniform and contain only the names of certified candidates.
22. How candidates shall be certified. Amount of fees for each candidate; how credited.
23. Certificates of nomination with whom filed.
24. Time of filing certificates of nomination.
25. Secretary of State to certify lists of candidates to County Commissioners.

28. Candidates who will not accept not to be included in list.
27. Proposed amendment to the constitution.
28. Commissioners to make publication.
29. Clerk to deliver ballots to sheriff.
30. Booths to be furnished; how arranged.
31. No one permitted to be within fifty feet of polling places only as admitted to vote except the sheriff or deputy. *Proviso.* Witnesses in cases of challenge may be admitted. Voters not to occupy a booth longer than five minutes. When vote is deposited voter must retire.
32. Manner of preparing and depositing ballot.
33. Spoiled ballot to be returned to judges.
34. Manner of preparing ballots for persons who cannot read, or write or are physically disable.
35. Ballot to have the initials of one of the judges.
36. Penalty for carrying any ballot outside of polling place.
37. Felony to destroy any certificate of nomination, or make a false certificate, or forge the initials of a judge.
38. Penalty for failure to perform official duty.
39. A felony for officers to electioneer on election day, or for any one to intimidate, or bribe a voter.
40. Commissioners to correct errors or omissions.
41. Form of ballot.
42. Expense of printing how paid.
43. A felony to make a false count or fraudulent certificate or steal, destroy or secrete any ballot, tally-sheet, certificate or ballot-box.
44. Misdemeanor to violate the act.
45. Secretary of State to digest, print and distribute the election laws.
46. Commissioner to have instructions printed; Judges to post the same.
47. Penalty for destroying any booth or supplies.
48. Compensation of Commissioners.
49. County Commissioners to perform the duties heretofore required of County Clerks.
50. Repeals certain sections of Mansfield's Digest.
51. Act to take effect sixty days after passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the Governor, Auditor and Secretary of State shall constitute a State Board of Election Commissioners, whose duty it shall be, not more than ninety days nor less than thirty days before any general election for State and County officers, to appoint three qualified electors as Commissioners in each County to select election judges for each voting precinct, and to perform the other duties herein prescribed. No person who is a candidate for any office to be voted for at such election, or is a deputy, or clerk or employee of any officer or person who is a candidate for election, shall act as County Commissioner. The appointment of the County Commissioners shall be in writing, under the hands of the State Board, and the said State Board shall immediately mail to each County

Commissioner, at the county seat, a notice of his appointment, and, in addition thereto, shall mail to the Clerk of the Circuit Court in such County a certificate of the appointment of such Commissioners, and, upon the receipt of such certificate, it shall be the duty of such Circuit Clerk to cause to be served upon each of said Commissioners, by the Sheriff, a notice requiring said Commissioners to appear before said Clerk on or before the day fixed for entering upon their duties, and take and subscribe the oath prescribed by section twenty, of article nineteen, of the Constitution, which said oath shall be indorsed on the certificate, and, when so indorsed, said certificate shall be filed in said office as a record.

The said Commissioners shall hold office until their successors are appointed and qualified. Said Commissioners shall meet at the court house at least twenty days prior to the general election, and shall organize themselves into a Board of Election Commissioners by electing one member chairman and another clerk. Each Commissioner shall have one vote, and two shall constitute a quorum, and the concurring votes of any two shall decide all questions before them. They shall, after their organization as aforesaid, not less than five days before any general election, appoint three judges of election for each voting precinct in the County, and the clerk of the board shall make a record of such appointments, and shall file the same, attested by the chairman and the clerk of the board, with the County Clerk. If any judge so appointed shall die or resign before the election, said board shall fill the vacancy. All of said County Commissioners shall not be members of the same political party.

Any vacancy in the County Board of Commissioners shall be filled by appointment by the State Board of Commissioners, in the same manner as the County Commissioners are originally appointed; and if it shall occur that all, or a majority, of the County Commissioners shall resign, refuse to act, die, or their places become vacant from any cause, so that there shall not be a quorum in office at the time that said board is required to do

and perform any of the acts or things by this act required of them, then, and in that event, the County Judge, Sheriff and County Clerk shall, in the order herein named, fill said vacancies for the time, and shall perform the duties of Election Commissioners until the vacancies in said board can be filled, as herein provided for.

SEC. 2. The judges of election so appointed shall be discreet persons, able to read and write the English language, and qualified electors in the precincts for which they are appointed to act; and they shall not all be selected from the same political party, if competent persons of different politics can be found.

SEC. 3. The judges of election appointed under this act shall continue to be judges of election within their respective precincts until the next general election, unless sooner removed by the County Election Commissioners.

SEC. 4. If any election judge shall be absent at the time fixed for the opening of the polls, the other judge or judges shall appoint some person or persons having the qualifications prescribed by this act for election judges, to supply such vacancy; and if all the judges shall be absent, then the voters present shall elect as judges persons having the required qualifications. The judges of election shall appoint two clerks at each precinct.

SEC. 5. The polls shall be opened at eight o'clock a. m., and shall remain continuously opened until half-past six o'clock p. m.

SEC. 6. The County Election Commissioners are hereby empowered to alter the boundaries of existing election precincts and to establish new ones when, in their judgment, it may be necessary, and to fix a place in each election precinct where the election shall be held; and in changing the boundaries of existing precincts, or in creating new ones, the said Commissioners shall so arrange the same that all qualified voters residing therein may vote on the same day. *Provided*, The said Commissioners shall not have power to change the boundaries of existing precincts, or to create any new precinct, or to

change the voting place in any precinct, within thirty days of any election, but all such elections shall be held at the places, and within the boundaries, as the same existed thirty days before the date of said election.

The action of said Commissioners in changing the voting place in any precinct, or in altering the boundaries of any precinct, or in establishing any new one, shall be entered in the record to be kept by them, and a copy of said order shall set out intelligently and accurately the boundaries of said precincts as so altered or established, shall be filed with the Clerk of the County Court, who shall record the same at full length on the record book in which the minutes of the proceedings of the County Court are recorded. If the County Election Commissioners shall fail to fix a place in any precinct at which the election is to be held, it shall be the duty of the Sheriff to fix temporarily a place of holding said election. Notice of any change made shall be given to the electors by posters put up in at least five public places in such precinct. All voting places shall be fixed at well-known points in the several precincts and easily accessible to all electors entitled to vote therein.

SEC. 7. In precincts in which more than 100 votes were cast at the election next preceding the one then being held, where the electors consist of persons belonging to the different races, the judges of election and the Sheriff in attendance shall, when there are persons of both races present and ready to vote, so conduct admittance to the voting place as to permit persons of the white and colored races to cast their votes alternately.

SEC. 8. The Sheriff of the County shall police the election precincts and preserve order. He shall appoint not exceeding three deputies at each precinct, and shall allow no crowd to collect at the polling place nearer than herein provided for, and no deputy herein provided for, while engaged in the duties herein prescribed, shall in any manner influence, or endeavor to influence, any person in casting his vote, *Provided*, That when the Sheriff, for the time being, shall be a candidate at any election, it shall be the duty of the County Election Commission-

ers to appoint some suitable person or persons at each precinct, to perform the duties of the Sheriff as hereinbefore prescribed and the said Sheriff and his deputies are hereby disqualified to discharge said duty in such cases.

SEC. 9. It shall be the duty of the County Election Commissioners to provide for each election precinct a good and sufficient ballot-box with lock and key, two blank poll books containing proper captions and supplied with sufficient pages to record the names of all voters in the precinct, tally-sheets and envelopes in which to seal up the ballots and certificates. They shall also provide on sheets separate from the poll-books blank forms of certificates prepared in such a manner as will enable the judges of election to properly certify the result of the election, upon which certificates shall be indorsed a blank form of the oath to be taken by the judges and clerks before entering upon the discharge of their duties. Such ballot-box, poll-books and blank certificates, tally-sheets and envelopes shall be delivered by said Commissioners to the Sheriff, or in the event of his being a candidate at such election, then the same shall be delivered to the person appointed to perform the duties of said Sheriff as provided for in section 8. It shall be the duty of said Sheriff or person appointed in his stead, as in this act provided, to deliver the same to the judges of election when they have assembled at the voting place for the purpose of holding the election. The said ballot-box, poll-books, tally-sheets, envelopes and certificates shall be paid for by the several Counties of the State.

SEC. 10. After the closing of the polls, the judges of election shall proceed to count the ballots deposited in the ballot-box, but if for any reason they shall deem it proper to do so, they may adjourn the count for any reasonable period, not beyond the day succeeding that on which the election is held. Pending the making of the count, any judge shall have the right to remain with the ballot-box but during the time for which the count is adjourned, a safe place of deposit may be agreed upon by all of the judges.

SEC. 11. After the examinations of the ballots shall be completed, the number of votes cast for each person shall be enumerated under the inspection of the judges, who shall prepare and sign in duplicate a certificate showing the number of votes given for each person, and the office for which such votes were given, which certificates shall be attested by the clerks. And after making such certificate, the judges, before they disperse, shall put under cover one of said tally-sheets, certificates and poll-books and seal the same, and direct it to the Board of County Election Commissioners. And the said certificate and the ballots, sealed in separate packages, shall be conveyed by one of the judges, to be determined by lot, if they cannot otherwise agree, to the County Election Commissioners, within three days after the close of the polls; and the other certificate, tally-sheets and poll-books shall be retained by the judges, free for the inspection of all persons. It shall be the duty of the judges of election of the several precincts, after the ballots shall have been inspected and counted, to securely envelope all such ballots and send the same together with the certificate, tally-sheets and poll-book as aforesaid to the County Election Commissioners, to be kept as hereinafter provided.

SEC. 12 If any judge of election, on whom the lot may fall to carry such ballots, certificates, tally-sheets and poll-books to the Election Commissioners, shall neglect or refuse to perform the service according to the provisions of this act, he shall forfeit the sum of (\$200,) two hundred dollars to be recovered by indictment, or by action of debt in the name of the State for the use of the County.

SEC. 13. If any judge of election in any precinct, whose duty it may be, should fail to deliver to the County Election Commissioners the certificate, tally-sheets, poll-book and ballots within three days, on the fourth the said Commissioners shall dispatch a messenger to bring up the same; or the duplicate certificate, tally-sheets, poll-book and ballots, in which case the return shall not be compared until the seventh day, and all expense incurred by sending the messenger shall be paid by the defaulting judge of election.

SEC. 14. As soon as the returns from all of the precincts are received, but in no event later than the seventh day after the election, the County Election Commissioners shall, from the certificates and ballots received from the several precincts, proceed to ascertain and declare the result of said election, and shall within (15) fifteen days after the day of said election, deliver a certificate of his election to any person having the highest number of legal votes for member of the House of Representatives or any county or township office; and the said Commissioners shall also file in the office of the Clerk of the Circuit Court a certificate setting forth in details the result of said election. The Commissioners of Election shall, within two days after the comparison and examination of the returns of any election, deposit in the nearest post office, on the most direct route to the seat of government, certified copies of the abstracts of the returns of the election for members of Congress and all executive, legislative and judicial officers, directed to the Secretary of State, and they shall, at the same time, enclose in a separate envelope and direct to the Speaker of the House of Representatives, in care of the Secretary of State, at the seat of government, a certified copy of the abstract of votes given for Governor, Secretary of State, Auditor of State, Treasurer of State and Attorney General. It is hereby made the duty of the Secretary of State to safely keep the returns addressed to the Speaker of the House of Representatives until the same shall be required, for the purpose of ascertaining and declaring the result of the election, as prescribed in section 3, article 6, of the Constitution.

SEC. 15. At any time before the County Election Commissioners shall finally complete the canvass of the returns and make declaration of the result thereof, any candidate voted for who may be dissatisfied with the returns from any precinct may have a recount of the votes cast therein, by presenting to the County Election Commissioners a petition showing reasonable grounds for believing that the return, as made by the judges of election, does not give a correct statement of the

vote as actually cast, as the same is shown by the ballots returned with the certificate of the judges. Upon the prayer of such petitions being granted, the Commissioners shall open the package containing the said ballots and proceed to recount the same in the manner prescribed by law for the count to be made by the judges in the first instance, and the result as found upon such recount, if the same differs from that certified by the judges, shall be included in the canvass as the vote for the particular precinct for which said recount was ordered and made. After the recount is completed, the ballots shall again be sealed and kept as herein provided.

SEC. 16. The County Election Commissioners shall retain the custody of and safely keep all ballots and certificates returned to them from the several precincts for a period of six months, after which time the same shall be destroyed, unless the Commissioners shall be sooner notified in writing that the election of some persons voted for at such election and declared to have been elected, has been contested, or that criminal prosecution has been begun against any officer of election, or person voting thereat, for any fraud in said election, before a tribunal of competent jurisdiction, in which event, so many of said ballots and certificates as may relate to matters involved in said contest, or any prosecution, shall be preserved for use as evidence in such contest or prosecution. During the time such ballots may be retained, the package containing the same shall not be opened by any one, unless directed to do so by some competent tribunal before which an election contest or prosecution is pending, in which such ballots are to be used as evidence. Any person violating the provisions of this section, or who shall disclose how any elector may have voted, unless compelled to do so in a proceeding pending as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than \$100 nor more than \$1,000.

SEC. 17. If there shall be a failure to receive at the seat of government the copy of the returns from any County, intended either for the Secretary of State or the Speaker of the House

of Representatives, for two days after the same is due, the Secretary of State shall dispatch a messenger to the County from which said returns have not been received, with directions to bring up such returns or copies thereof. If such failure shall happen by neglect of the County Election Commissioners, they shall forfeit to the State the sum of \$100, together with the expense of such messenger, to be recovered by action of debt before any court having jurisdiction thereof.

SEC. 18. Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of 21 years, who has resided 12 months in this State, and in the County 6 months, and in the voting precinct, or ward, one month next preceeding any election, and who shall have established his possession of these qualifications in the manner prescribed by law, shall be entitled to vote at all elections by the people. No idiot or insane person shall be entitled to the privileges of an elector, nor shall any soldier or marine in the military or naval service of the United States acquire a residence that shall entitle him to vote by reason of being stationed on duty in this State. No one who has been convicted of any offense which is a felony at the common law, or by statute, shall be allowed to vote at any election in this State, unless such person shall have been pardoned by the Governor; and the records of the court wherein such person shall have been convicted shall be conclusive evidence of his conviction. Whenever any person shall present himself to vote, and there shall be no specific evidence prescribed by law as being necessary to establish his qualifications, the judges of election may interrogate him under oath touching his qualifications as an elector, or they may satisfy themselves in relation thereto by any legal testimony.

SEC. 19. All election ballots used in any presidential, congressional, state, district, county, township, or municipal election in this State, either general or special, shall be provided at county expense by the County Election Commissioners of the Counties in which they are used, respectively; except the

ballots used exclusively in municipal elections, which shall be provided by the Commissioners at the expense of the cities and incorporated towns in which they are used, respectively.

SEC. 20. The County Election Commissioners of each County in this State shall, in due time for each general or special election, provide for each election precinct, and for each ward of a city or incorporated town in his County, one hundred and fifty printed ballots for each fifty or fraction of fifty electors voting thereat at the last preceding election; and no ballot shall be received or counted in any election to which this act applies, except it be provided by the County Election Commissioners as herein prescribed. All ballots cast and not included in the count made by the election judges for want of conformity to the provisions of this act, shall be preserved and sealed in a separate package, and be returned to the County Election Commissioners.

SEC. 21. All election ballots provided by the County Election Commissioners of any County in this State for any election shall be alike, and shall be printed in plain type; and shall contain in the proper place the name of every candidate whose nomination for any office to be filled at that election has been certified to the said Commissioners, as provided for in this act, and shall not contain the name of any candidate or person which has not been so certified. Below the names of the candidates for each office nominated by the organized parties, as well as those nominated by electors, shall be left a blank space large enough to contain as many names in writing as there are offices to be filled.

SEC. 22. The nominations of candidates shall be certified in the following manner: By the chairman and secretary of any convention of delegates, or of the canvassing board of any primary election, held by authority of any organized political party in the State, or sub-division thereof, in which such convention or primary election is held; and also, by electors of the State, district, county, township, ward of a city or incorporated town, for which the nomination is made. *Provided, That the*

number of signatures of electors so required shall not be less than fifty, and more than one thousand, for the State or any district or County, and not less than ten, nor more than fifty, for any township, or ward of a city or incorporated town. All certificates of nomination made by the chairman and secretaries of conventions, or of canvassing boards of primary elections, shall be duly acknowledged before an officer authorized by law to take acknowledgements. The said certificate of nomination shall be accompanied by the receipt of the Treasurer or Collector of each County in which any candidate is to be voted for, for the following amounts, namely: Candidates for offices to be voted for by the electors of the entire State, fifty cents each; candidates for offices to be voted for by the electors of a district composed of more than one County, except members of Congress, three dollars; candidates for Representatives in Congress, ten dollars; candidates for offices to be voted for by the electors of a single County, three dollars; candidates for offices to be voted for by the electors of a township, one dollar. These several amounts shall be placed to the credit of the fund for general county expenses. Candidates for offices to be voted for by the electors of any incorporated town or city, shall present the receipt of the Treasurer or Collector of such municipality for the sum of one dollar each. All money received from this source shall be placed to the credit of the fund for general expenses of said city or town.

SEC. 23. All certificates of the nomination of candidates for Presidential Electors and members of Congress, and for State and judicial, and district officers, either by convention, primary election or electors, shall be filed with the Secretary of State; and all certificates of the nomination of candidates for county township, and municipal offices shall be filed with the County Election Commissioners of the County in which they are to be voted for.

SEC. 24. Certificates of nomination required by this act to be filed with the Secretary of State shall be filed not more

than sixty days and not less than twenty days before the day fixed by law for the election of persons in nomination. Certificates of nomination herein directed to be filed with the County Election Commissioners shall be filed not more than sixty days and not less than fifteen days before the election. *Provided*, That in case of any vacancy occurring in any nomination by declination, withdrawal, death or otherwise, the Continual [Central] Committee, or a convention or primary election called for that purpose, of the party on whose ticket such vacancy may be, may select and certify to the Secretary of State, or proper County Election Commissioners, the name of the candidate to fill such vacancy.

SEC. 25. Not less than eighteen days before each election, the Secretary of State shall certify to all the County Election Commissioners full lists of all candidates to be voted for in their Counties respectively, as the nominations have been certified to him.

SEC. 26. The Secretary of State shall not certify the name of any candidate whose certificate of nomination shall have been filed in his office, who shall have notified him in writing, acknowledged before an officer authorized by law to take acknowledgements, that he will not accept the nomination specified in the certificate of nomination. And the County Election Commissioners shall not include in the posting to be made by them as hereafter provided, the name of any candidate whose certificate of nomination shall have been filed with them, who shall have notified them in like manner, that he will not accept the nomination, nor shall the names of such persons be printed on the ballots provided by the Commissioners.

SEC. 27. Whenever a proposed amendment to the Constitution, or other question, is to be submitted to a vote of the people, the Secretary of State shall, not less than eighteen days before the election, duly certify the same to the Commissioners of each County in the State, and the Commissioners shall include the same in the posting which they are by this act required to make, and also to print the same on the ballots.

SEC. 28. The Commissioners of each County shall make publication of all nominations filed with them, and all nominations certified to them by the Secretary of State, and also all proposed amendments to the Constitution, and other questions certified to them by the Secretary of State, or required by law to be submitted to the electors at any election, by posting a list thereof at the door of the court house at least ten days before the day of election.

SEC. 29. At least three days before each election the Clerk of each County shall deliver to the Sheriff of his County one hundred and fifty ballots for each fifty, or fraction of fifty, electors in each township or ward of a city or incorporated town in the county.

SEC. 30. All officers upon whom the law imposes the duty of designating polling places, shall provide in each room designated by them as a polling place, one booth or compartment for each one hundred electors, or fraction of one hundred, voting thereat at the last preceding election, and furnish the same with a table, shelf or desk for the convenience of electors in preparing their ballots. Said booths shall be at least five feet apart, and the walls thereof shall be of wood and so constructed as to enable each elector to enter therein and prepare his ballot free from the interference of any person whomsoever. And no person shall be permitted, under any pretext whatever, to come nearer than fifty feet of any door or window of any polling room, from the opening of the polls until the completion of the count of the ballots and certification of the returns, except as herein provided.

SEC. 31. Except as the electors are admitted and pass in, one at a time, to vote, no person shall, under any pretext whatever, be permitted in the polling room, from the opening of the polls until the completion of the count of the ballots and certification of the returns, except the Sheriff or deputy, and the judges and clerks of the election. *Provided*, The attendance of the Sheriff at the polling place shall only be allowed upon the request of the judges of the election. *And provided*

further, If any person who demands admittance to the polling place for the purpose of voting, whose right to vote is questioned by any elector, the said challenge shall be communicated to the judges before such person is permitted to vote, by the Sheriff or some other officer or person in attendance and in charge of admission to the polling place, and when this is the case the witnesses necessary to determine the matter of the voter's qualifications shall be admitted. No elector shall be allowed to occupy a booth or compartment for the purpose of voting, for a longer time than five minutes. If the voter shall not have completed the preparation of the ballot within the time allowed, he may call upon the judges to assist in its preparation, or he can withdraw, after having returned to the judges the ballot delivered to him. After having voted, or declined to do so, the voter shall immediately depart from the polling place, and go beyond the prohibited distance therefrom.

SEC. 32. Each elector upon entering the polling room shall be given one ballot by the judges. Before delivering a ballot to an elector at least one of the judges shall write his name or initials on the back thereof. On receiving his ballot the elector shall forthwith, and without leaving the polling room, retire alone to one of the booths provided for that purpose, and there prepare his ballot. He shall scratch off, erase or cross out the names of all candidates except those for whom he wishes to vote, and write the name of any person for whom he may wish to vote whose name is not printed where he would have it, or not printed on the ballot at all. In the case of a constitutional amendment or other question, as, for instance, "For License" or "Against License," which the County Election Commissioners shall cause to be printed on the ballots whenever the question of liquor license is to be voted on, the elector shall cross out parts of his ballot in such manner that the remaining part shall be as he wishes to vote. After thus preparing his ballot the elector shall fold the same so as to conceal the face thereof, and show the name or initials of the judge on the back, and hand it to the receiving judge, who

shall call out the name of the elector, the number of the ballot, and write the number on the ballot and then deposit it in the ballot-box in the sight of the elector, who shall then immediately leave the room and go beyond the prohibited distance.

SEC. 33. Any voter who shall, by accident or mistake, spoil any ballot so that he cannot conveniently or safely vote the same, may return it to the judges and receive another in the place thereof. In no case shall any person be permitted to carry a ballot outside of the polling room.

SEC. 34. Any elector who shall tell the judges that he cannot read or write, or that by reason of any physical disability he is unable to mark his ballot, may have the assistance of two of the judges in the preparation of his ballot, who, in the presence of the elector and in the presence of each other, shall prepare his ballot for him as he wishes to vote it. But before any such elector shall be required or permitted to tell how he wishes his ballot made up, or for whom he wishes to vote, all electors, including those in the booths, shall be required to withdraw from the polling room.

SEC. 35. No ballot shall be received from any elector or deposited in the ballot-box which does not have the name or initials of at least one of the judges indorsed on the back of it.

SEC. 36. Any person taking or carrying any ballot obtained from any judge outside of the polling room, or having in his possession outside of the polling room before the closing of the polls, any ballot provided by any County Election Commissioners, as prescribed in this act, or any paper purporting to be such a ballot, shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, and imprisonment in the county jail not less than one month nor more than six months.

SEC. 37. Every person who shall falsely make or fraudulently destroy any certificate of nominations, or any part thereof; or file any certificate of nominations, knowing the same, or

any part thereof, to be false, or suppress any nomination which has been duly filed, or any part thereof, or forge or falsely write the name or initials of any judge of election on any ballot, shall be deemed guilty of a felony, and on conviction thereof, punished by confinement at hard labor in the penitentiary not less than one nor more than five years.

SEC. 38. Every public officer, upon whom any duty is imposed by this act, who shall wilfully neglect or omit to perform such duty, or who shall do anything which is by this act forbidden, other than the things specifically enumerated in sections 37 and 43 hereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by removal from office, and imprisonment in the County jail not less than six months nor more than twelve months, or by fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment.

SEC. 39. No officer of election shall do any electioneering on election day. No person whomsoever shall do any electioneering in any polling room, or within one hundred feet of any polling room on election day. No person shall, at or before any election, directly or indirectly, hire or bribe any elector to vote for or against the nominee of any political party, or for or against any particular question or candidate. No person shall coerce, intimidate or unduly influence, any elector to vote for or against the nominee of any political party, or for or against any particular question or candidate, by any threat or warning of personal violence or injury, or by any threat or warning of ejectment from rented or leased premises, or by the foreclosure of any mortgage or deed of trust, or of any action at law or equity, or of discharge from employment, or of expulsion from membership in any church, lodge, secret order or benevolent society, or by any oath, or affirmation or secret written pledge. Nor shall any elector take or receive any money or other valuable thing, or the promise of any money or other valuable thing, in consideration that he shall or will vote for or against any candidate for office or for or against

any candidate or question, or shall promise to vote for or against any such candidate or question. Any violation of this act shall be deemed a felony, and on conviction, shall be punished by imprisonment in the penitentiary not less than one year nor more than three years.

SEC. 40. Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names or description of candidates nominated for office, or in the printing of ballots, the Circuit Court of any County, or the Judge thereof in vacation, or if the Circuit Judge be then absent from the County, the Judge of the County Court, shall, upon the application of any elector, by order, require the County Election Commissioners to immediately correct such error or omission, or show cause why the same should not be done.

SEC. 41. The ballots to be provided by the County Election Commissioners under this act shall be arranged in the following form, to-wit:

Make a cross ☒ mark in the squares opposite all the names except those you wish to vote for.

GOVERNOR.

VOTE FOR ONE.

—————of—————County. Democratic
 —————of—————County. Republican
 —————of—————County. Independent

SECRETARY OF STATE.

VOTE FOR ONE.

—————of—————County. Republican
 —————of—————County. Democratic
 —————of—————County. Independent

AUDITOR OF STATE.

VOTE FOR ONE.

—————of—————County. Independent
 —————of—————County. Democratic
 —————of—————County. Republican

TREASURER OF STATE.

VOTE FOR ONE.

—————of—————County. Republican
 —————of—————County. Democratic
 —————of—————County. Independent

ATTORNEY GENERAL.

VOTE FOR ONE.

—————of—————County. Democratic
 —————of—————County. Republican
 —————of—————County. Independent

STATE LAND COMMISSIONER.

VOTE FOR ONE.

| | |
|------------------------|-------------|
| _____ of _____ County. | Republican |
| _____ of _____ County. | Independent |
| _____ of _____ County. | Democratic |

SUP'T OF PUBLIC INSTRUCTION.

VOTE FOR ONE.

| | |
|------------------------|-------------|
| _____ of _____ County. | Democratic |
| _____ of _____ County. | Independent |
| _____ of _____ County. | Republican |

COMMISSIONER OF AGRICULTURE.

VOTE FOR ONE.

| | |
|------------------------|-------------|
| _____ of _____ County. | Independent |
| _____ of _____ County. | Democratic |
| _____ of _____ County. | Republican |

SEC. 42. All printing, and other things required by this act to be done, except the posting of municipal nominations alone, and the printing of ballots to be used exclusively in municipal elections, shall be at the expense of the several Counties in which they shall be done, respectively, and shall be defrayed in the same manner as other county general expenses are defrayed. Sheriffs being allowed the same fees for services performed hereunder as for similar services for which fees are fixed by law.

SEC. 43. Any election officer or other person whomsoever who shall willfully make a false count of any election ballots, or falsely or fraudulently certify the returns of any election, or steal, destroy, secrete or otherwise make way with any election ballot, tally-sheet, certificate or ballot-box, either before or after the closing of the polls, shall be deemed guilty of a felony, and on conviction thereof, punished by imprisonment

at hard labor in the penitentiary not less than two years nor more than seven years.

SEC. 44. Any violation of this act by any election officer, or other person whomsoever, except a state or county officer, for which no punishment is elsewhere specifically prescribed in this act, shall be deemed a misdemeanor, and punishable as in this act provided for misdemeanors.

SEC. 45. As soon as practicable after the passage of this act, the Secretary of State shall digest or codify all the laws of this State relating to elections and the elective franchise, in convenient form under proper sub-heads and with complete index, and cause to be printed and distributed to the several County Election Commissioners sufficient number of copies thereof in pamphlet form to furnish ten copies thereof to each election precinct or ward of a city in this State.

SEC. 46. The Election Commissioners of each County shall cause to be printed in large type on cards, instructions for the guidance of electors preparing their ballots. He shall furnish twelve such cards to the judges of elections in each election district, at the same time and in the same manner as the printed ballots. The judges of election shall post not less than one of such cards in each place or compartment provided for the preparation of ballots, and not less than three of such cards elsewhere in and about the polling place upon the day of election. Said cards shall be printed in large, clear type, and shall contain full instructions to the voters as to what should be done. First—To obtain ballots for voting. Second—To prepare the ballots for deposit in the ballot boxes. Third—To obtain a new ballot in place of one accidentally spoiled; also a copy of sections 32, 33, 34, 35 and 36 of this act.

SEC. 47. No person shall, during the election, remove, tear down, or destroy any booths or supplies, or other conveniences placed in any booth or polling-place as aforesaid for the purpose of enabling the voter to prepare his ballot.

No person shall, during an election, remove, tear down or deface the cards printed for the instruction of voters. Every person

wilfully violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than (\$100) one hundred dollars, nor more than (\$250) two hundred and fifty dollars, or imprisonment in the county jail not less than one month, or both such fine and imprisonment, at the discretion of the jury trying the case.

SEC. 48. The members of the County Board of Election Commissioners shall each receive for his service the sum of two dollars per day for each day actually engaged in the duties of his office, but in no event shall the number of days charged for exceed ten for services to be rendered in connection with any particular election.

SEC. 49. That the several duties imposed upon the County Clerks in this State, and the acts or things to be done by said Clerks in connection with returns of elections upon which other persons and officers are to act, as prescribed by so much of chapter 56 of Mansfield's Digest of the Statutes of Arkansas as is not repealed by this act, be and the same are hereby required to be performed by the County Election Commissioners, and all acts to be done by other officers upon returns or certificates to be made by said Clerks, shall be done and performed upon returns and certificates required to be made by said County Election Commissioners.

SEC. 50. That the following sections of Mansfield's Digest of the Statutes of Arkansas be and the same are hereby repealed, namely: 2653 to 2656, both inclusive; 2676 to 2680, both inclusive; 2684; 2688 to 2694, both inclusive; 2695 to 2707, both inclusive; 2665 to 2674, both inclusive, and 2757.

SEC. 51. All laws or parts of laws in conflict with any provisions of this act are hereby repealed, and this act shall take effect and be in force sixty days after its passage.

Approved March 4, 1891.

ACTS OF ARKANSAS.

ACT XXXI.

AN ACT to Amend Section 5546 of Mansfield's Digest of the Statutes of Arkansas.

SECTION

1. Amends section 5546 Mansfield's Digest. Railroads may construct toll bridges over navigable streams. Fixes rate of toll.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 5546 of Mansfield's Digest of the Statutes of Arkansas be so amended as to read as follows:

SEC. 5546. Any railroad company, now or hereafter incorporated under the laws of this State, which is or may be authorized to cross a navigable river or stream, and which has actually finished or is prosecuting in good faith the grading of its said road, its successors and assigns, or any company other than a railroad company, now or hereafter incorporated under the laws of this State, which is or may be authorized, by its charter, or by the Congress of the United States, to construct a toll bridge over a navigable stream, its successors and assigns, shall have the right to construct such bridge over such navigable river or stream adapted either to railroad or ordinary highway purposes, or both, with suitable approaches and ways. And any company so building such bridge over a navigable river or stream for highway purposes may charge and receive toll for the use of such bridge for highway purposes, not exceeding, however, the following rates, to-wit:

Man on foot, Five cents.

Horses, cattle, mules, sheep, hogs, goats, and all other stock, per head, Five cents.

Man and horse, Twenty cents.

One-horse wagon or carriage, Twenty-five cents.

Two-horse wagon or carriage, Thirty-five cents.

Three-horse wagon or carriage, Fifty cents.

Four-horse wagon or carriage, Sixty cents.

Six-horse wagon or carriage, One dollar.

And at the same rate for wagons or carriages drawn by cattle or mules.

SEC. 2. That all acts or parts of acts in conflict with this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 5, 1891.

ACT XXXII.

AN ACT to Regulate the Service of Process in Legal Proceedings Against Fraternal Life Insurance Societies.

SECTION

1. In action at law or in equity service on Chief Officers or Secretary of a subordinate lodge is valid.
2. Conflicting laws repealed.

Be it enacted by the General Assembly of the State of Arkansas.

SECTION 1. That whenever any action, either at law or in equity is instituted on a policy of insurance on the life of a person against any fraternal society, such as the Knights of Honor, Knights of Pythias or like societies, in the courts of this State, service of process on the chief officer or in case of his absence, the Secretary of the subordinate lodge, or society through which the policy of insurance was issued or obtained shall be a good and valid service on such society, lodge or institution, issuing the policy the same as if service had been on the supreme officers of said lodge, society or institution.

SEC. 2. That all laws in conflict with this be and are hereby repealed.

Approved March 6, 1891.

ACT XXXIII.

AN ACT to Amend Section 337 of the Revised Statutes of the State of Arkansas.

SECTION

1. Amends section 337 of the Revised Statutes. Defendant may give bond and discharge attachment.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That Section 337 of the Revised Statutes of the State of Arkansas be amended so as to read as follows:

SECTION 337. If the defendant at any time before judgment, causes a bond to be executed to the plaintiff by one or more sufficient sureties, to be approved by the Sheriff, to the effect that the defendant shall perform the judgement of the Court the attachment shall be discharged and restitution made of any property taken under it, or the proceeds thereof; *Provided*, That the giving of this bond by the defendant shall not preclude his right to controvert the existence of the ground stated by the plaintiff in his affidavit for the order of attachment.

Approved March 6, 1891.

ACT XXXIV.

AN ACT to Amend Section 1351 of Mansfield's Digest.

SECTION

1. Amends section 1351 Mansfield's Digest. Fixes fee for use of Supreme Court library.
2. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 1351 of Mansfield's Digest be amended so as to read as follows:

Every attorney before he shall be permitted to have access to or the use of said library shall pay quarterly in advance to the said clerk the sum of one and 25-100 dollars to the use of said library fund.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 6, 1891.

ACT XXXV.

AN ACT to Require Notaries Public to Attach to Their Certificates of Acknowledgment the Date That Their Commissions Expire.

SECTION

1. Requires Notaries to attach date of expiration of Commission to acknowledgments. *Proviso*, Failure not to invalidate acknowledgments.
2. Failure to attach such date a misdemeanor.
3. Act in force sixty days after passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter all Notaries Public shall attach to any certificate of acknowledgment or jurat to an affidavit that he may make, a statement of the date on which his commission will expire, *Provided, however*, That no acknowledgment or other act of such Notary shall be held invalid on account of the failure to comply with this act.

SEC 2. If any Notary Public shall fail to attach such statement to any certificate of acknowledgment or other official act, he shall be guilty of a misdemeanor and be punished by a fine not to exceed five dollars.

SEC. 3. That this act shall take effect and be in force sixty (60) days after its passage.

Approved March 6, 1891.

ACT XXXVI.

AN ACT Requiring Insurance Companies to Execute a Bond Before Doing Business in this State, and to Facilitate the Collection of Claims Against Such Companies.

SECTION

1. Insurance companies to give bond before doing business in the State.
2. Two of the sureties must be residents of the State. *Proviso*. Guarantee companies or banks may be sureties.
3. In case of suit against insurance companies sureties may be made parties.
4. This act does not relieve insurance companies from existing laws.
5. Penalty for failure to comply with act.
6. Auditor shall require new bond in certain cases.
7. Act in force ninety days from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That all fire, life or accident insurance companies, individuals or corporations now or hereafter doing busi-

ness in this State, shall, in addition to the duties and requirements now prescribed by law, give a bond to the State of Arkansas with not less than three good and sufficient sureties to be approved by the Secretary of State, in the sum of twenty thousand dollars, conditioned for the prompt payment of all claims arising and accruing to any person by virtue of any policy issued by any such company, individual or corporation, *Provided*, That nothing in this act shall be construed as applying to fraternal orders insuring the lives of their members.

SEC. 2. That not less than two of the sureties on the bond provided for by this act shall be residents of this State and said resident bondsmen shall own property in this State subject to execution equal in value to the amount named in the bond. *Provided, however*, That the companies, individuals or corporations contemplated by this act may have the option of obtaining the bond required by this act of guaranty or trust companies or banks located in and doing business in this State, such company or bank to be approved by the Secretary of State.

SEC. 3. That in all actions against any fire, accident or life insurance company, individual or corporation for any claim accruing or arising upon or growing out of any policy issued by any such company, individual or corporation, the sureties on the bond required by this act and executed by any such company, individual or corporation, may be made parties defendant and final judgment rendered against them at the same time and in like manner as against the company, individual or corporation issuing the policy and such judgment shall be enforced as judgments at law are now enforced.

SEC. 4. That the duties required by this act shall not be construed nor held to relieve any insurance company, individual or corporation of the several duties now required by law, but the requirements of this act shall be held to be and are intended to be in addition to the duties and requirements now prescribed by law.

SEC. 5. Any insurance company failing to comply with the provisions of this act, shall not be entitled to transact any business in this State; and any such company, or any person acting for any such company, who shall attempt to transact any business in this State until the provisions of this act shall be complied with, shall be guilty of a misdemeanor and upon conviction, shall be fined in any sum not less than twenty nor more than one hundred dollars.

SEC. 6. It shall be the duty of the Auditor of State to require any such insurance company to file a new bond as herein provided, at any time when it shall appear that such bond is not sufficient, or that the amount thereof has been exhausted by judgment, or that the sureties on the same have died or become insolvent.

SEC. 7. That this act take effect and be in force from and after ninety days after its passage.

Approved March 6, 1891.

ACT XXXVII.

AN ACT to Legalize Marriages in Certain Cases.

SECTION

1. Marriages solemnized by any ordained minister or priest legal.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That any marriages heretofore solemnized by any regularly ordained minister or priest of any religious sect or denomination in this State, be and the same are hereby declared legal and valid, whether such minister or priest shall have caused his license or credentials to be recorded as provided by section 4600 of Mansfield's Digest or not.

Approved March 10, 1891.

ACTS OF ARKANSAS.

ACT XXXVIII.

AN ACT to Amend Section 1600 of Mansfield's Digest.

SECTION

1. Amends Section 1600 Mansfield's Digest. Fixes penalty for robbery.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That Section 1600 of Mansfield's Digest be so amended as to read as follows :

SECTION 1600. Every person convicted of robbery shall be imprisoned in the penitentiary not less than three nor more than twenty-one years.

Approved March 7, 1891.

ACT XXXIX.

AN ACT to Prohibit the Sale, Barter, Exchange or Giving Away of any Alcohol or Spirituous, Vinous, Malt or Intoxicating Liquors Within Ten Miles of Central College in the Town of Nashville, Howard County, Arkansas.

SECTION

1. Prevents the sale or giving away of intoxicants within ten miles of Central college.
2. Excepts wines for sacramental purposes
3. Persons violating guilty of misdemeanor Penalty.
4. Act in force after January 1, 1892.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That from and after the first day of January, 1892, it shall be unlawful for any person to sell, barter, exchange, or give away any alcohol or any spirituous, ardent, vinous, malt or fermented liquors, or any compound or preparation thereof, commonly called tonics or bitters, or medicated liquors or intoxicating spirits of any character whatever, within ten miles of "Central College," situated on the south-west quarter of the north-east quarter of section 26 township 9 S. N. 26 west and the south-east corner of block forty-six in the town of Nashville, Howard County, Arkansas. *Provided,* That this act shall not apply to the grower of grapes or berries, who shall manufacture and sell wines wholly produced from grapes or berries of his own raising on the premises on

which such grapes or berries shall have been grown or raised, and in quantities not less than one quart. Any sale, barter, exchange or giving away of such wines so produced, off the premises where the grapes or berries from which such wine shall have been produced, shall be in violation of this act. *Provided*, This act shall not effect the right of regular practicing physicians, in the strict administration of medicines, in giving alcohol or whisky to the sick under their charge, at the patient's place of residence or confinement, and not at the place of business of such physician.

SECTION 2. This act shall not prohibit the use of wines for sacramental purposes.

SECTION 3 *Be it further enacte* , That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall for the first offense be fined in a sum not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200). And for the second and all subsequent convictions under this act the persons so offending shall be fined in a sum not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), and imprisoned in the county jail for a time not less than thirty days nor more than six months:

SECTION 4. This act shall have effect and be in force from and after the first day of January, 1892.

Approved March 10, 1891.

ACT XL.

AN ACT to Establish a Court of Common Pleas in Clark County.

SECTION

1. Establishes a court of common pleas in Clark County and fixes term.
2. Fixes jurisdiction.
3. Rules of practice same as in circuit court. *Proviso*, Causes may be filed on or before first day of term and judgement may be rendered the second day of term under certain conditions.
4. Issues of fact to be tried by court unless one of the parties demand a jury. Jury, how summoned and empaneled.

5. Fixes fees of witnesses and jurors.
6. The sheriff to be the officer of the court but any process may be served by any officer.
7. Fixes fees of officers serving process.
8. Clerk of circuit court to be clerk of this court and to receive same fees as now allowed by law.
9. Judge of the county court to be the judge of this court and fixes salary. If judge is disqualified attorneys to elect a special judge. Salary of special judge.
10. Judgements to be a lien on real estate for three years.
11. The clerk to keep a docket.
12. An appeal may be taken to the circuit court by complying with certain requirements.
13. Executions and other process may be directed to any county in the state and enforced in same manner as in circuit court.
14. The clerk to make a transcript in cases of appeal.
15. All appeals fixed ten days before term of circuit court to be tried at that term, unless continued.
16. Judgement how rendered on appeal.
17. Venue may be changed from justice court to court of common pleas. Mode of proceeding in change of venue.
18. Clerk to issue all process and authenticate same with seal of the circuit court.
19. Act in force after passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. A Court of Common Pleas is hereby established in the County of Clark to be held quarterly at the court house in said County commencing on the fourth Mondays in March, June, October and December of each year, and to continue in session until the business before said court shall be disposed of, unless the continuation of said court shall conflict with some other court of record, when the judge shall adjourn the court to some other day, or until the next term thereof.

SEC. 2. The said court shall have jurisdiction of law actions by contract, express or implied, actions of replevin and for damages to persons or property, where the amount in controversy exclusive of interest shall not exceed five hundred dollars (\$500), but said court shall have no jurisdiction where the title to real estate is involved, nor of any criminal action nor of any action or matter where exclusive jurisdiction is by law given to the County or Probate Court.

SEC. 3. The rules of practice and procedure now in force or which may hereafter be in force in the Circuit Courts, so far as they are applicable, shall govern in said Court of Common Pleas; *Provided*, That all defenses to actions shall be filed on or before the first day of the term, when summons has been served ten days before the term, and in cases where answers

are not filed as herein required the court may on the second day of the term or afterwards, render judgement by default, but the court may for good cause shown, allow further time for filing defenses.

SEC. 4. Issues of fact and law shall be tried by the court unless one of the parties shall demand a jury, when the court shall order the officer in attendance, to summon a jury of six men unless the parties agree upon a less number, who shall be forthwith summoned and empaneled as in the Circuit Court to try the action, the court may instruct the jury as to the law of the case, which shall be advisory only.

SEC. 5. Witnesses and jurors in said court shall receive the same fees that are now or may hereafter be allowed to witnesses and jurors in Justice of the Peace Courts, to be paid as costs by the party against whom judgement shall be rendered.

SEC. 6. The Sheriff of said County shall be the officer of said court, to whom all writs and processes shall be directed but may be served by any officer authorized to serve process, when designated by the party suing out the process.

SEC. 7. The officer who shall serve process from said court shall be paid the same fees as are now or may be allowed by law to Sheriffs for similar services in the Circuit Court, to be taxed as costs of the action in which such service is had.

SEC. 8. The Clerk of the Circuit Court shall be ex-officio Clerk of the Court of Common Pleas, and shall receive the same fees as are allowed by law for similar services in the Circuit Court to be taxed as costs in the action in which such service is had.

SEC. 9. The Judge of the County Court of Clark County shall be Judge of the Court of Common Pleas, and in addition to his salary as County and Probate Judge, he shall receive the sum of two hundred dollars per annum to be paid quarterly out of the County Treasury; *Provided*, That if the County Judge shall be disqualified to sit in any cause or causes pending in said court, or shall fail, neglect or refuse to appear and hold said court by the hour of 10 o'clock of the forenoon of the

second day of any term thereof, or shall fail, refuse or neglect to appear for one whole day of said term, then and in that event the said court shall not stand adjourned until the next term thereof; but in either event the regular practicing attorneys present may elect some one of their number as special judge to discharge the duties of the regular judge and to hold said court for the balance of the term, or for the determination of such causes as the regular judge was disqualified to preside in, or until the regular judge shall appear as the case may be. Such special judge shall be allowed by the County Court for his services not less than five nor more than ten dollars per day, which shall be paid by the County and deducted from the salary of the County Judge.

SEC. 10. All judgments rendered by said court shall be liens upon the real estate of the party against whom it was rendered in the County from the date of the judgment for three years, subject to be revived as in the Circuit Court by *Scire facias* and said judgments may be stayed in the same manner as Circuit Court judgments are stayed.

SEC. 11. The Clerk of said court shall keep a docket in which shall be entered all cases in the order in which they are brought, and be numbered consecutively, and stand for trial in the order in which they are filed.

SEC. 12. Any party aggrieved by judgment rendered by said court, except a judgment of dismissal for want of prosecution, may take an appeal to the Circuit Court, at any time within thirty days from the rendition of the judgment upon complying with the following requisites:

FIRST. The appellant, his agent or attorney, shall make and file with the Clerk of the Court, an affidavit that the appeal is not taken for the purpose of delay, but that justice may be done.

SECOND. The appellant, or some person for him shall enter into bond to the adverse part (party) in a sum sufficient to secure the payment of the judgment and costs of the appeal. The appeal shall be granted as a matter of right, and the filing of the affi-

davit shall be a sufficient notice to the adverse party, that the appeal has been taken. Upon the filing of such affidavit and bond within the time herein required, all further proceedings in said court shall be suspended, and if execution shall have issued on said judgment, previous to the filing of the appeal bond, the Clerk shall issue his supersedeas, recalling said execution, and any property that may have been taken thereunder shall be discharged; *Provided*, Either party may appeal without giving the bond, but the execution of the judgment shall not be suspended thereby.

SEC. 13. Executions and other process from said court may issue to any County in the State and may be directed and enforced against real or personal property in the same manner as executions on Circuit Court judgements are enforced, and may be stayed in the same manner as Circuit Court executions are stayed.

SEC. 14. When an appeal is taken the Clerk shall transmit all the papers in the case, together with a certified transcript of the record entries therein, to the Circuit Court, where said case shall be tried *de novo*; *Provided*, No set-off or counter claim shall be filed in the Circuit Court.

SEC. 15. All appeals taken ten days before the first day of the term of the Circuit Court next after the appeal taken shall be tried at such term, unless continued by consent or for cause.

SEC. 16. If upon appeal, appellee shall recover judgment in the Circuit Court for any amount, judgment shall be rendered against the appellant and his sureties on the appeal bond, if an appeal bond shall have been given; *Provided*, If the judgment rendered in the Circuit Court against the appellant shall be for a less amount than the judgment appealed from, the appellant shall recover the costs of the appeal and judgment shall be rendered against appellee therefor.

SEC. 17. In any civil action pending before any Justice of the Peace in said County, either party may on motion change the venue from such Justice's Court to the Court of Common

Pleas. Upon filing such motion the Justice shall suspend proceedings therein and without delay make out a duly certified transcript of his docket entries in such case, and transmit the same with all the original papers to the Clerk of the Court of Common Pleas for which he shall receive one dollar, and also five cents per mile to and from the office of the said Clerk to be paid in advance by the party applying for the same. If such change is asked by the plaintiff he shall pay all costs accruing before such Justice.

SEC. 18. The Clerk of said court is authorized and empowered to issue all necessary writs, summons, process and provisional remedies in any action within the jurisdiction of said court, and all writs and process issued from said court shall be signed by the Clerk and authenticated by the seal of the Circuit Court.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved March 10, 1891.

ACT XLI.

AN ACT to Authorize the Enclosing of Certain Lands on White River in Independence County and for Other Purposes.

SECTION

1. Authorizes parties to enclose lands in a certain described territory. *Proviso*, Parties to keep up good substantial gates and not abolish road as a highway.
2. Parties to erect fence in proportion to value of land. Value how ascertained.
3. Land-owners to elect three assessors for the district. *Proviso*, J. J. Waldriss, F. M. Martin and Albert Arnold temporary board of assessors.
4. A misdemeanor to turn stock at large in said territory.
5. Board of Assessors to provide a public pound.
6. Board of Assessors to appoint a pound keeper. Duties of pound keeper.
7. Misdemeanor to leave open gate or tear down fence.
8. Fence to be examined and approved by board of assessors.
9. Board of Assessors may levy a three mill tax.
10. Board has authority to appoint a collector. Duties of collector.
11. Tax to be a lien on land and board may enforce collection.
12. Act takes effect from passage. *Proviso*, Land-owners to have until April 1, 1891 to complete fence.
13. Repeals "An act to authorize the enclosing of certain lands in Independence county and for other purposes." Approved April 1, 1887 and all other acts in conflict.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the owners of the lands lying on and near White river in Independence County, Arkansas, and within the following described limits and boundaries to-wit:

Beginning on the north bank of White river at the mouth of Big creek in the west half of lot one (1) of the northwest fractional quarter of section (2) in township twelve (12) north range five (5) west of the fifth principal meridian near the southwest corner of said lot; thence in a northeasterly direction along the eastern bank of Big creek as near as may be leaving space enough between said creek bank and the proposed fence line for a county road to the line between lots two (2) and three (3) of said northwest fractional quarter, thence east on said line between said lots to the line between the east half of said section two (2) and the west half thereof, thence continuing east on the line between lots two (2) and (3) three of the northeast fractional quarter of said section (2) two to section line between section (1) one and (2) two township twelve (12) north range five (5) west, thence south on said section line to the quarter section corner to said section one (1) and two (2), thence east on the line dividing the south half of said section one (1) from the north fractional half thereof to the line between ranges four (4) and five (5) thence south on said range line to the line between the south half and the north fractional half of section six (6) township twelve (12) north range four (4) west, thence east on said line and a prolongation thereof to its intersection with the southern boundary of the right-of-way of the White River Branch of the St. Louis Iron Mountain and Southern Railroad, thence in a southeasterly direction along the southern boundary of said right-of-way to its intersection with the corporation line of the incorporated town of Newark, thence southerly to the southwest corner of said corporation, thence easterly to the southeast corner of said corporation, thence northerly alway following the corporation line to the point where it intersects the southern boundary of said right-of-way, thence in a southeasterly direction

along the southern boundary of said right-of-way to its intersection with the line between section nine (9) and ten (10) township twelve (12) north range four (4) west, thence south on said section line to section corner to sections nine (9) and ten (10) fifteen (15) and sixteen (16) township twelve (12) north range four (4) west, thence south to quarter section corner to said sections fifteen (15) and sixteen (16), thence east to center of section fifteen (15), thence south to quarter section corner to section fifteen (15) and twenty-two (22) same townships and range, thence continuing south on line between the east and west halves the north fractional half (north of White river) of said section twenty-two (22) to White river which river from this point to place of beginning is to be the remaining boundaries of said lands, be and they are hereby authorized to enclose said lands with one continuous fence; *Provided*, That said owners of said lands, embraced within said fence and White river keep and maintain at all times good and substantial gates with convenient fastenings at and upon all country roads within said territory hereby authorized to be enclosed as aforesaid; and *Provided, further*, That this act shall not be so construed as to abolish said roads as public highways.

SEC. 2. That it shall be the duty of the respective owners of said lands to erect or cause to be erected, so much of said fence as would be in proportion to the value of the lands owned by each person within said enclosure, said value to be determined from the assessment of said lands by the County Assessor.

SEC. 3. That for the purpose of ascertaining what amount of fencing each of such land owners will be required to do, and for the purpose of keeping up said fence, they shall elect on the first Saturday in January of each alternate year, three of their number a board of assessors, who shall first take an oath to faithfully perform their duties without prejudice or favor and apportion to said land owners the amount of fencing that would fall to his or her share as provided in section two of this act; *Provided*, That for the year 1891 J. J. Waldriss,

F. M. Martin and Albert Arnold shall constitute said board of assessors and hold their offices until the first Saturday in January 1892 or until their successors are elected and qualified.

SEC. 4. That it shall be deemed a misdemeanor for any one to turn any kind of stock at large in said enclosure, and any person who shall turn at large any stock of any kind within said enclosure shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than (5) dollars, nor more than fifty (50) dollars, and in addition to the above penalty shall be liable for double the amount of any damages that any person may sustain by reason of said stock running at large in said enclosure to be recovered by action before any Court having competent jurisdiction, *Provided*, That this section shall not be so construed as to prevent any person from fencing his or her land separately and pasturing said lands.

SEC. 5. That there shall be provided by the board of assessors a public pound to be kept by a pound keeper in which all stock found running at large in said enclosure shall be impounded until reclaimed by the owner or otherwise disposed of in pursuance of this act.

SEC. 6. That a competent person shall be appointed by the board of assessors on the 1st Monday in February of each year as pound keeper who shall be allowed such compensation for keeping and feeding impounded stock as shall be fixed by appraisers which charges shall be paid by the owners of such stock when reclaimed; *Provided*, That all stock impounded shall be at once advertised by the pound keeper to be sold at public auction for cash at the expiration of ten days after being impounded; by printed or written hand bills posted at three public places in said district, to be designated by the appraisers and at the expiration of said ten days, if such stock be not reclaimed and the charges paid thereon, the same shall be sold by the pound keeper, at public auction for cash, and the proceeds of said sale after payment of the pound keepers charges, shall be paid to the board of assessors who shall keep

an account of the same and apply it to discharging the expenses of keeping and maintaining said pound.

SEC. 7. That should any owner of land within said territory fail or refuse to do the amount of fencing provided for in section three (3) of this act, then any other person interested in said enclosure may proceed to do said fencing and when done have the same valued by appraisers and if said person who failed or refused to do said fencing shall refuse or fail on demand to pay for said fencing then said person or persons who shall have done said fencing shall recover against such recusant before any court of competent jurisdiction judgment for the amount of the award of the appraisers together with 50 per centum penalty for refusing to pay said award and all costs of suit and said judgment shall become and operate as a lien on the lands lying within said enclosure so fenced and may be enforced as mechanics liens are now enforced by law.

SEC. 8. That if any person shall willfully leave any gate, bars or other passway leading into said enclosure open or unfastened or shall tear down any of said fence, or leave down any of said fence, or in any manner injure or destroy the same he or they shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five (5) dollars nor more than fifty (50) dollars.

SEC. 9. The entire fence provided for in this act when completed shall be examined and approved by the board of assessors, and if any part thereof is not a lawful or a sufficient fence, said board shall have power to condemn the same and to require the person whose duty it was to construct the same originally to re-construct that part of said fence properly and to make the same a sufficient and lawful fence.

SEC. 10. After the completion of said fence as provided in this act to the satisfaction of said board of assessors, it shall be the duty of said board after obtaining the consent of the majority in value of the real estate owners within said district to annually levy a tax on said real estate not to exceed three 3) mills on the dollar, which when collected shall be used

exclusively in repairing and keeping up said fence, said tax when so levied shall be extended on a tax book to be procured for that purpose, and shall be on the basis of the valuation of the assessor last made before the time of said levy.

SEC. 11. Said board shall have authority to appoint a collector to collect said taxes, who shall be required to give bond in such amount as said board may require, and his duty shall be to collect the taxes extended against the real estate in said district, immediately after the placing of said books in his hands he shall notify all owners of said real estate when they are known, that said tax is due, and shall likewise post notices of the same in at least five conspicuous places in said district said notices shall be thirty (30) days before the time of said payment expires and if any tax is not paid within thirty (30) days from the posting of said notices, the collector may add a penalty of not exceeding 50 per centum to amount of said tax. The collector shall be allowed fees for his services in such amount as the board of assessors may direct.

SEC. 12. If any such tax as herein provided for is not paid, the same shall be a lien on the land from the time of extending the same on the said tax books, and said board shall have power to enforce the same by appropriate proceedings on the Chancery side of the Independence County Circuit Court.

SEC. 13. This act shall take effect and be in force from and after its passage, *Provided*, That the different land owners shall have until the 1st day of April, 1891 in which to complete their proportion of said fencing required by this act.

SEC. 14. This (the) act entitled "An act to authorize the enclosing of certain lands in Independence County and for other purposes" approved April 1st, 1887 and all other acts and parts of acts in conflict with this act are hereby repealed.

Approved March 11, 1891.

ACTS OF ARKANSAS.

ACT XLII.

AN ACT to Cure Defective Acknowledgments.

SECTION

1. Cures defective acknowledgments.
2. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. All conveyances and other instruments of writing which have heretofore been recorded in any County in this State, the proof of execution whereof is insufficient because the officer certifying such execution omitted any words in his certificate, or because such officer failed or omitted to attach his seal of office to such certificate, or attached to any certificate any seal not bearing the words or devices required by law or when the term of the officer taking the acknowledgment had expired at the time or otherwise informal, shall be as valid and binding as though the certificate of acknowledgment or proof of execution was in due form and bore proper seal. *Provided, however,* That this act shall not apply to any conveyance or other instrument of writing when the same is brought in question in any suit now pending in any court in this State.

SEC. 2. This act shall be in force from and after its passage.

Approved March 11, 1891.

ACT XLIII.

AN ACT to Prohibit the Breakage and Rough Handling of Baggage by Railroads and Their Employees in This State.

SECTION

1. Requires railroads and express companies to provide stage-planks or trucks to be used in unloading baggage from trains to platform.
2. Railroads and express companies required to use stage-planks or trucks in unloading baggage and are prohibited from tumbling baggage from car doors to platform.
3. Liable for damage for failure to comply with act.
4. Conflicting laws repealed and act in force after passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That all railroad and express companies in this State shall and are hereby required to provide each and every

of its said trains with one or more stage-planks not less than eight feet in length and three feet in width, or trucks to be used in unloading trunks and baggage from their said trains to the depot platforms.

SEC. 2. That all railroad and express companies in this State and their agents and employees shall be required to use said stage planks or trucks herein provided while they are unloading baggage and trunks from their said trains, except where platforms are as high as the car doors, and shall be prohibited from tumbling trunks and baggage from their car doors into the depot platforms, breaking, injuring or in any wise damaging the trunk or baggage or contents thereof.

SEC. 3. That any railroad or express company violating this act, or who handles trunks or baggage in such a rough and careless manner as to injure the same shall be liable to the owner of such damaged trunks or baggage in addition to the value of said trunks or baggage, the sum of not less than twenty-five dollars nor more than two hundred dollars, to be recovered by an action against the railroad or express company in any court having competent jurisdiction.

SEC. 4. That all acts or parts of acts in conflict with this act be and the same are hereby repealed, and this act take effect from and after its passage.

Approved March 12, 1891.

ACT XLIV.

AN ACT Requiring the St. Louis, Iron Mountain and Southern Railway Company to Erect a Trestle on its Main Line in Jackson County West of White River.

SECTION

1. St. Louis, Iron Mountain and Southern railroad required to erect a trestle at Wilson's Creek and remove embankment.
2. Allowed six months to comply with act.
3. Made a misdemeanor for failure to comply.
4. Act in force six months from passage.

Be it enacted by the General Assembly of the State of Arkansas:

That the St. Louis, Iron Mountain and Southern Railway Company shall to protect the lands lying in White river valley from overflow remove the embankment of said main line on the west side of White river beginning at Wilsons creek for the space of 800 feet and erect in lieu thereof a trestle of said distance of 800 feet extending from said Wilsons creek to Hughey's old field on said main line of railway in White river bottom.

SEC. 2. *Be it further enacted,* That said railway company be allowed the period of six months from the passage of this bill to remove said embankment.

SEC. 3. *Be it further enacted,* That for the refusal of said railway company to remove said embankment or to continue the use of the same upon said railway line, it shall be adjudged guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than five hundred dollars nor more than one thousand dollars for each day they may continue to refuse to remove said embankment.

SEC. 4. That this act shall take effect six months after its passage.

Approved March 12, 1891.

ACT XLV.

AN ACT to Prohibit the Sale, Barter, Exchange or Giving Away of Any Alcohol or Spirituous, Ardent, Vinous, Malt or Intoxicating Liquor Within Five Miles of the Public School House near the town of Vilonia, Faulkner County, Arkansas.

SECTION

1. Prohibits the sale or giving away of intoxicants within five miles of the public school house near Vilonia in Faulkner county. Native wine excepted:
2. Wines for sacramental purposes excepted.
3. Misdemeanor to violate act. Penalty.
- 4 Act in force from passage.

SECTION 1. That hereafter it shall be unlawful for any person to sell, barter, exchange or give away any alcohol, or any

spirituous, ardent, vinous, malt or fermented liquors, or any compound or preparation thereof, commonly called tonics or bitters or medicated liquors or intoxicating spirits of any character whatever within five miles of the public school house situated on the N. E. 1-4 of N. W. 1-4 of section 8, township 5, north range 11 west, near the town of Vilonia, Faulkner County, Arkansas; *Provided*, That this act shall not apply to the grower of grapes or berries, who shall manufacture and sell wines wholly produced from grapes or berries of his or her own raising on the premises on which such grapes or berries shall have been raised and in quantities of not less than one quart. Any sale, barter, exchange or giving away of such wines so produced, off of the premises where the grapes or berries from which such shall have been produced, shall be in violation of this act; *Provided*, This act shall not effect the right of regular practicing physicians in the strict administration of medicine in giving alcohol or whiskey to the sick under their charge at the patient's place of residence or confinement, and not at the place of business of such physician.

SEC. 2. This act shall not prohibit the use of wine for sacramental purposes.

SEC. 3. *Be it further enacted*, That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction, shall for the first offense be fined in a sum not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) and for the second and all subsequent convictions under this act, the persons so offending in any sum not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) and imprisonment in the county jail for a time not less than thirty days nor more than six months.

SEC. 4. That this act take effect and be in force from and after its passage.

Approved March 12, 1891.

ACT. XLVI.

AN ACT to Protect the State Against Possible Frauds in the Office of
Treasurer of State

SECTION

1. Governor required to appoint two expert accountants to examine the books and papers in the State Treasurer's office. Duties and oath of accountants.
2. Treasurer give accountant free access to the office. Felony to fail to comply.
3. Expert divulging his appointment before commencing work guilty of perjury.
4. Governor to pay expert out of the contingent fund and act in force from passage;

Be it enacted by the General Assembly of the State of Arkansas:

ARTICLE 1. That the Governor be authorized and required to appoint and commission expert accountants to examine and report to the Governor the state of the Treasurer of State's office.

That at least one appointment of an accountant shall be made each year and the number of accountants shall not exceed two. That the duties of accountants shall be to examine carefully and fully the books of the Treasurer of State, and to count the cash belonging to the State on hand, and to prepare a complete printed statement of his labor, and attach the following oath subscribed and sworn to by him:

"I do solemnly swear that I have made a complete examination of the books belonging to the office of the Treasurer of State, for one year last past, and counted the cash on hand and the foregoing statement is true and correct, and I further swear that I did not directly nor indirectly inform any one of my appointment nor of my intention to examine said books until I entered actively on my duty."

That when the governor appoints and commissions the accountants, he shall swear them not to divulge their appointments until they shall have entered upon the active duties of their office, and it shall be in the discretion of the Governor to order an examination provided he orders at least one each year.

SEC. 2 *Be it further enacted*, That the Treasurer of State shall upon the presentation of the accountant duly commissioned give the accountant free access to his books and permit him to count the cash on hand. On the refusal of the Treasurer of

State to comply with the provisions of this act, his office shall be declared vacant, and the offense deemed a felony, and on conviction thereof shall be sentenced to the penitentiary for a term not exceeding five years.

SEC. 3. *Be it further enacted*, That if the expert or accountant shall divulge the fact that he has been appointed or commissioned to such office or the time when the Governor has ordered such examination directly or indirectly he shall be deemed guilty of perjury and punished as in other cases.

SEC. 4. *Be it further enacted*, That the Governor be and is hereby authorized to pay such accountants out of the contingent fund a sum of money not exceeding two hundred dollars for each examination made, and that this act take effect and be in force from and after passage.

Approved March 13, 1891.

ACT XLVII

AN ACT to Prevent the Sale or Giving Away of Any Intoxicants Within Ten (10) Miles of Hendrix College.

SECTION

1. Prohibits the sale or giving away of liquors within 10 miles of Hendrix College at Conway, Arkansas.
2. Wines may be used for sacramental purposes and practicing physicians may prescribe under certain conditions.
3. Penalty for violation.
4. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That it shall be unlawful for any person to sell or give away or in any manner furnish to any one, any alcoholic, malt, fermented or intoxicating drinks, spirits or liquors of any kind, or any compound thereof within ten (10) miles of Hendrix College, situated in the town of Conway, in Faulkner County, Arkansas, except all that part of said ten mile line it lying west of the Arkansas river.

SEC. 2. Within said limits wine may be used for sacramental purposes, and any regular practicing physician may

prescribe and furnish alcoholic stimulants to the sick under his charge, at the patient's residence or place of confinement, when by him deemed necessary, *Provided*, That he shall first file in the office of the County Clerk of the County wherein he resides, an affidavit in form as follows:

I, _____ do solemnly swear, or affirm, that I will not prescribe or furnish any intoxicant of any kind to any person except as a treatment for the disease with which he may at the time may be afflicted

SEC. 3. Any person convicted of violating any of the provisions of this act, shall be punished by fine not less than two hundred dollars and imprisoned not less than thirty days.

SEC. 4. All laws in conflict with this act are hereby repealed and this act shall be in force from and after its passage.

Approved March 13, 1891.

ACT XLVIII.

AN ACT to Increase the Salary of the County Judge of Cleburne County.

SECTION

1. Fixes salary of County Judge of Cleburne County.
2. Act in force after October 30th, 1891.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter the salary of the County Judge of Cleburne County, shall be five hundred dollars per annum.

SEC. 2. That this act take effect and be in force from and after the 30th day of October, 1891.

Approved March 13, 1891.

ACT XLIX.

AN ACT to Confirm Title to Certain Town Lots in the School Addition to the Town of Batesville, Arkansas.

PREAMBLE

Recites that citizens of Batesville own land in which was formerly school lands and the title thereto is imperfect.

SECTION

1. Quiets titles to all lands in the school addition to Batesville.

WHEREAS, A number of citizens of the town of Batesville, Arkansas, are the reputed owners of town lots in the school addition to said town, which addition was formed by sale of a part of common school section sixteen in township thirteen, north of range six, west, of which lots said citizens have had possession and paid taxes for many years, or since the war between the States, and upon which some have built their present residences, and other valuable improvements; and, *Whereas*, The title to a number of said lots are imperfect by reason of the loss or destruction during the war of the records of the sale of said lots, and, *Whereas*, The claimants of said lots have acquired equities by the payment of taxes for many years, amounting in the aggregate of taxation to what is now about the taxable value of said lots, and, *Whereas*, Under the law regulating the sale of school lands, at the time said addition was laid off into lots, the sale of said lots was made upon time payments, and notes executed for the payment of the purchase money. And, *Whereas*, None of said notes or other evidences of indebtedness remains in existence against said purchasers, and, *Whereas*, By the lapse of time, the presumption of purchase and payment is created in behalf of the citizens claiming ownership; therefore,

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the title to all town lots in the school addition to the town of Batesville, which are defective or incomplete and which are assessed for the taxes of the year 1890 to the reputed owners thereof, are hereby quieted to such reputed owners of said lots as if the title thereto were in all respects regular by purchase under the common school laws of the State of Arkansas.

Approved March 13, 1891.

ACTS OF ARKANSAS.

ACT L.

AN ACT to Establish the Arkansas State Board of Pharmacy, and to Prescribe the Powers and Duties of said Board, and to Regulate the Compounding and Vending of Medicines, Drugs and Poisons in the State of Arkansas, and to Provide a Penalty for the Infringement of This Act.

PREAMBLE

Recites the necessity of protection in handling drugs and medicines.

SECTION

1. No one but a registered Pharmacist can sell or compound drugs. Penalty:
2. Governor to appoint a State Board of Pharmacy.
3. Oath of office.
4. Organization of the Board.
5. Meetings of the Board. Any member of the Board may grant temporary certificates. Fee for same.
6. Board to keep a register of all Pharmacists now in the State without examination, except clerk over eighteen years old. Failure to apply for registration within sixty days after organization of the Board a forfeiture of privilege.
7. Board to examine applicants and give certificates to competent persons.
8. Fees to be charged by Board.
9. Misdemeanor to adulterate any drugs.
10. Certificates fraudulently obtained may be revoked.
11. Misdemeanor to conduct a drug store without being a registered pharmacist.
12. Certificates of registration to become null and void on conviction of illegal sale of intoxicating liquors.
13. When certificates of registration expire.
14. Suits for recovery of penalties how prosecuted. Penalties go to public school fund.
15. Act does not repeal privilege tax.
16. Registered pharmacists exempt from jury duty.
17. Conflicting laws repealed and act in force from passage.

WHEREAS, In all civilized countries it has been found necessary to regulate the traffic in medicines and poisons, and to provide by law for the regulation of the delicate and responsible business of compounding and dispensing the powerful agents used in medicines and

WHEREAS, The safety and welfare of the public are endangered by the sale of poisons by unqualified and ignorant persons and

WHEREAS, The power of physicians to overcome disease depends greatly upon their ability to procure good, unadulterated drugs and skillfully prepared medicines, and

WHEREAS, The sophistication and adulteration of drugs and medicines is a specious fraud which should be prevented and suitably punished, therefore,

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That from and after the passage of this act it shall be unlawful for any person not a registered pharmacist, within the meaning of this act, to conduct any drug store, pharmacy or apothecary shop, or store for the purpose of retailing, compounding or dispensing medicines in any city or incorporated town in the State of Arkansas, except as hereinafter provided, and that it shall be unlawful for the proprietor of such store or pharmacy to allow any person other than a registered pharmacist to compound or dispense the prescriptions of physicians, except as an aid to and under the supervision of a registered pharmacist. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine of not less than five nor more than one hundred dollars.

SEC. 2. That, within sixty days after the passage of this act, the Governor shall appoint five experienced pharmacists who shall have been actively engaged in the drug business for the last five years immediately preceeding their appointments, who shall constitute the Arkansas State Board of Pharmacy, one of whom shall hold his office for one year, one for two years, one for three years, one for four years and one for five years, and each until his successor shall have been appointed and qualified, which terms shall be decided by lot at the time of organization. And annually thereafter the Governor shall appoint one member of said board, with qualifications as above set forth, who shall hold his office for five years and until his successor is appointed and qualified. In case of a vacancy from death or other cause, the Governor shall appoint a successor, with qualifications as above set forth.

SEC. 3. That before entering upon the duties of said office, the members of the said board shall take the oath prescribed by the Constitution of the State for State offices, and shall file the same in the office of the Secretary of State, who shall

thereupon issue to each of said examiners a certificate of appointment.

SEC. 4. That immediately after the appointment and qualification of the board, they shall meet and organize as a State Board of Pharmacy, by electing from their own number a president and secretary. The board may adopt such by-laws, rules and regulations as they shall deem necessary to carry into execution the provisions of this act, without expense to the State. A majority of the board shall be a quorum for the transaction of any business.

SEC. 5. The Board of Pharmacy shall hold not less than two stated regular meetings per annum for the examination of candidates, one of which may be held at the time and place of the annual meeting of the Arkansas Association of Pharmacists, and the other meeting shall be held at such time and place as the board may determine. Other meetings of the board may also be held whenever and wherever a quorum of the board, including the secretary, is present. In the interim of the sessions of the board, and upon satisfactory evidence of the fitness of the applicant, any member of the board may, in his discretion, issue a temporary certificate, which shall authorize and empower the holder to conduct a drug store or pharmacy, as set forth in section 1 of this act. Such temporary certificate shall terminate and expire at the date of the next succeeding regular meeting of the board after the granting thereof. A fee of two dollars shall be demanded for this temporary certificate, which shall be part payment of the regular examination fee as hereinafter set forth.

SEC. 6. The Board of Pharmacy shall register in a suitable book the names and places of residence of all persons to whom they issue certificates, and the dates thereof. Upon written application, accompanied by such reasonable evidence as the board may require, it shall be the duty of the said Board of Pharmacy to register, *without examination*, as registered pharmacists, all druggists and pharmacists who are engaged in business in any city or incorporated town in the State of Arkansas,

at the passage of this act, either as owners, managers or clerks of any drug store, pharmacy or apothecary shop; *Provided*, That no druggist's clerk shall be so registered unless he be eighteen years of age and has been engaged for the space of three years next preceeding the passage of this act in some drug store or pharmacy where physicians' prescriptions were compounded.

In case of the failure or neglect of any person to apply for registration within sixty days after the organization of the Board of Pharmacy, and publication thereof for six weeks in the weekly paper published in the State of Arkansas, whose circulation is the largest of all the papers so published, such person shall have forfeited the privilege of being registered as a registered pharmacist, as set forth in this section.

SEC. 7. The State Board of Pharmacy shall, upon application, and at such time and place, and in such manner as they may determine, examine every person who shall desire to conduct the business described in section 1, of this act, in any city or incorporated town in the State of Arkansas; and if a majority of the members present at the meeting of the board shall be satisfied that said person is competent and fully qualified to conduct the said business of compounding and dispensing drugs, medicines or chemicals for medical use, the board shall enter the name of such person as a registered pharmacist in the book provided for in section 6, of this act; *Provided*, That all graduates in pharmacy of schools or colleges of pharmacy that require three years' practical experience before granting diplomas, shall be entitled to have their names registered as registered pharmacists by the Board of Pharmacy without examination. The Board of Pharmacy shall issue an appropriate certificate to each person registered, which certificate must be conspicuously displayed in every store described in this act.

SEC. 8. The Board of Pharmacy shall be entitled to demand and receive from each person whom they register as a registered pharmacist without examination the sum of three

dollars, and from each and every person whom they examine the sum of six dollars, which shall be in full for the registration and the certificate. In case the examination of said person prove defective and unsatisfactory to the board, and he be declined registration, he shall have the privilege of re-examination within twelve months thereafter, without any fee being charged him.

SEC. 9. Any registered pharmacist who shall knowingly, intentionally and fraudulently adulterate or cause to be adulterated any drugs, chemicals or medical preparations, and offer such adulterations for sale, shall be deemed guilty of a misdemeanor, and, upon conviction therefor, his license shall thereby be revoked, and, in addition thereto, he shall be liable to a penalty of not less than five nor more than one hundred dollars.

SEC. 10. If any person shall procure registration as a registered pharmacist under this act, by making, or causing to be made, false representations, the registration and certificate thus fraudulently obtained may, in the discretion of the board, be revoked, and the name of the person so registered stricken from the register. *Provided*, That the person charged with the fraud be first allowed a hearing by the board.

SEC. 11. Any person not a registered pharmacist as provided in this act, who shall conduct a drug store or pharmacy, or place for compounding or dispensing drugs, medicines or chemicals for medical use, in any city or incorporated town in the State of Arkansas, or who shall take, use or exhibit the title of registered pharmacist without the same has been regularly conferred on him, as set forth in sections 6 and 7 of this act, shall be deemed guilty of a misdemeanor, and, upon conviction therefor, be liable to a penalty of not less than five nor more than one hundred dollars. *Provided*, That any person or persons not a registered pharmacist may own or conduct such a store, if he or they keep constantly in their store a registered pharmacist. *Provided further*, That this act shall not apply to physicians putting up their own prescriptions, nor to the

sale of those articles commonly known as "grocers' drugs," nor to the sale of patent or proprietary medicines or non-secret medicines.

SEC. 12. If any registered pharmacist shall be convicted by a court of competent jurisdiction, in this State, of the illegal sale or handling of intoxicating liquors, his certificate as registered pharmacist shall thereupon become null and void, and his license, or authority to engage in the business, as set forth in section 1 of this act, shall be thereupon revoked.

SEC. 13. If any registered pharmacist shall go out of the drug business and remain out for a period of twelve months, his certificate as a registered pharmacist shall thereupon expire.

SEC. 14. All suits for the recovery of the several penalties prescribed in this act shall be prosecuted in the name of the State of Arkansas, in any court having jurisdiction, and it shall be the duty of the Prosecuting Attorney of the County where such offense is committed to prosecute all persons violating the provisions of this act, upon proper complaint being made. All penalties collected under the provisions of this act shall inure to the public school fund of the school district in which the offense was committed.

SEC. 15. Nothing in this act shall be construed to repeal or in anywise interfere with the collection of the "privilege taxes" now levied, or that may be hereafter levied, for state, county or city purposes, on the business of hawking, peddling or street vending of goods, wares and merchandise.

SEC. 16. All persons registered under this act shall be exempt and free from jury duty in the State of Arkansas.

SEC. 17. All acts and parts of acts in conflict with this act be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved March 13, 1891.

ACT LI.

AN ACT to Regulate the Sale or Lease of Property of Persons of Unsound Mind.

SECTION

1. Amends section 3796 Mansfield's Digest. Property of persons of unsound mind may be sold. How to obtain order of sale.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION I. That section thirty-seven hundred and ninety-six of Mansfield's Digest be amended to read as follows:

Though it be not necessary for the payment of debts or maintenance, when it shall clearly appear to the Court, that it would be for the benefit of a person of unsound mind that the real estate or any part thereof, of such person, should be sold or leased, and the proceeds thereof put at interest or invested in productive stocks, or in other real estate, or in the improvement of other real estate of such person, then the guardian or curator may sell or lease the same accordingly, upon obtaining an order for such sale or lease from the Court of Probate of the County in which said real estate shall be situate.

To obtain such order the guardian or curator shall present to the court a petition duly verified, setting forth the condition of the estate, and the facts and circumstances on which the petition is founded. If after a full examination on the oath of creditable and disinterested witnesses, it clearly appears to the Court, that it would be for the benefit of said ward, that the real estate or any part thereof, should be sold or leased the Court may make such order, as provided in section thirty-seven hundred and eighty-eight, and the sale and the subsequent proceedings thereunder, shall be in accordance with the provisions of Mansfield's Digest from section thirty-seven hundred and eighty-nine to thirty-seven hundred and ninety-five inclusive. The Court first requiring the guardian or curator to enter into good and sufficient bond to make said sales or leases with fidelity to the interest of his ward, and to faithfully account for the proceeds of such sales and leases according to law and as the order of the Court may require.

SEC. 2. Section 3796 of Mansfield's Digest and all laws and parts of laws in conflict with this act are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 14, 1891.

ACT LII.

AN ACT to Change the Boundaries of the Eighth (8), Ninth (9) and Thirteenth (13) Judicial Circuits in this State, to Fix the Time for Holding the Courts Therein and for Other Purposes.

SECTION

1. Counties composing the eighth judicial circuit and time of holding courts.
2. Counties composing the ninth judicial circuit and time of holding courts.
3. The circuit judge elected at last general election to be judge of the eighth judicial circuit as by this act organized.
4. Counties of the thirteenth judicial circuit and time of holding courts.
5. The prosecuting attorney elected at the last general election for the ninth judicial circuit to be prosecuting attorney of the eighth judicial circuit as changed by this act.
5. The prosecuting attorney elected at the last general election for the eighth judicial circuit to be prosecuting attorney of the ninth as changed by this act.
7. Provides for an election in the ninth judicial circuit on the first Monday in May, 1891, for circuit judge.
8. All process made returnable at the terms of circuit court as fixed by the act and all bail bonds and recognizances binding for appearance at terms fixed by this act.
9. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter the Eighth Judicial Circuit shall be composed of the Counties of Clark, Nevada, Hempstead, and Miller, and the Circuit Courts in and for said circuit shall be begun and holden in the several Counties composing said circuit as follows:

In the County of Nevada on the second Monday in January and the third Monday of July of each year.

In the County of Clark on the second Monday of February and third Monday of August in each year.

In the County of Hempstead on the first Monday of April and October of each year.

In the County of Miller on the first Monday of June and fourth Monday of November of each year.

SEC. 2. That hereafter the Ninth Judicial Circuit shall be composed of the Counties of Pike, Montgomery, Polk, Howard, Sevier and Little River, and the Circuit Courts in and for said Circuit shall be begun and holden in the several counties comprising the same as follows:

In the County of Little River on the first Monday in January and July in Each year.

In the County of Sevier on the third Mondays in January and July in each year.

In the County of Howard on the first Mondays in February and August in each year.

In the County of Pike on the third Mondays in February and August in each year.

In the County of Montgomery on the Fourth Mondays in February and August in each year.

In the County of Polk on the second Mondays in March and September in each year.

SEC. 3. That the Circuit Judge elected at the last general election for the Eighth Judicial Circuit as now organized and whose residence falls with the Eighth Judicial Circuit as organized, defined and bounded by this act, shall be the Circuit Judge and exercise and perform all the duties of such office in and for said Eighth Judicial Circuit as organized by this act for the full time for which he was elected and until his successor is elected and qualified as now provided by law.

SEC. 4. That hereafter the Thirteenth Judicial Circuit shall be composed of the Counties of Calhoun, Columbia, Lafayette, Ouachita and Union, and the Circuit Courts in and for said Circuit shall be begun and holden in the several Counties composing the same as follows:

In the County of Calhoun on the first Mondays of January and July of each year.

In the County of Lafayette on the fourth Mondays of January and July of each year.

In the County of Columbia on the third Monday of February and fourth Monday of August of each year.

In the County of Union on the third Monday of March and first Monday of October of each year.

In the County of Ouachita on the first Mondays of May and November of each year.

SEC. 5. That the Prosecuting Attorney elected at the last general election for the Ninth Judicial Circuit, whose residence falls within the Eighth Judicial Circuit, as changed by this act, shall continue to exercise the functions of Prosecuting Attorney for the full time for which he was elected and until his successor is elected and qualified as now provided by law.

SEC. 6. That the Prosecuting Attorney elected at the last general election for the Eighth Judicial Circuit, whose residence falls within the Ninth Judicial Circuit as changed and created by this act, shall continue to exercise the functions of Prosecuting Attorney for the said Ninth Judicial Circuit (as created by this act) for the full time for which he was elected and until his successor is elected and qualified as now provided by law.

SEC. 7. That an election shall be held in the several Counties composing the Ninth Judicial Circuit as organized and defined in section two of this act, on the first Monday of May, 1891; in the mode and manner now prescribed by law for holding elections for judicial officers, for the office of Circuit Judge for said Ninth Judicial Circuit, and the term of the Circuit Judge elected at said election shall expire at the same time that the term of the other Circuit Judges expires and shall be filled at the election when other Circuit Judges are elected throughout the State.

SEC. 8. That all suits now pending, and all writs and proceedings in civil and criminal cases returnable to the regular terms of the Circuit Courts, as now fixed by law for the several counties composing the Eighth, Ninth and Thirteenth Circuits, as described, bounded and fixed by this act, be and they are hereby made returnable to the terms fixed in this act, and all bail bonds and recognizances for the appearances of defendants at the regular terms of said courts as now fixed by law be, and they are hereby declared to be legal and binding

for the appearances of said parties at the terms of said courts as fixed by this act.

SEC. 9. That all laws and parts of laws in conflict with this act be and the same are hereby repealed and that this act take effect and be in force from and after its passage.

Approved March 14, 1891.

ACT LIII.

AN ACT to Make Express Companies and all other Common Carriers the Agent of the Seller, where they Carry Intoxicating Liquors in C. O. D. Packages, and to make the Place of Delivery the Place of Sale.

SECTION

1. Express companies and other common carriers agent of seller in C. O. D. packages of liquor and place of delivery place of sale.
2. All packages to be paid for on delivery are C. O. D. packages.
3. All packages to be labeled. Misdemeanor to fail to label. Act in force thirty days after passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That all express companies and other common carriers carrying intoxicating liquors in "C. O. D." packages are hereby made the agents of the seller, and the places of delivery of said "C. O. D." packages are hereby made the places of sale.

SEC. 2. That all packages the price or purchase money of which is to be paid on delivery or at the place of delivery shall be considered, in the meaning of this act, to be "C. O. D." packages.

SEC. 3. That each and every "C. O. D." package containing intoxicating liquors shall be by the shipper labeled "This package contains intoxicating liquors," and all shippers failing to so label said packages shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined for each offense not less than ten dollars nor more than one hundred dollars; and that this act take effect thirty days from and after its passage.

Approved March 17, 1891.

ACT LIV.

AN ACT to Amend the First Sub-division of Section 5190 of the Revised Statutes of Arkansas.

SECTION

1. Amends first sub-division of section 5190 of the Revised Statutes of Arkansas. Appointment of attorney.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the first sub-division of section 5190 of the Revised Statutes of Arkansas be so amended as to read as follows:

FIRST. That an attorney be appointed at least thirty days before the judgment is rendered to defend for the defendant and inform him of the action and of such other matters as may be useful to him in preparing for his defense. He may take any step in the progress of the action, except filing an answer, without it having the effect of entering the appearance of such defendant. The attorney may be appointed by the Clerk when the warning order is made, or by the Court, and shall receive a reasonable compensation for his services, to be paid by the plaintiff and taxed in the costs.

Approved March 17, 1891.

ACT LV.

AN ACT to Fix the Liability of Sureties on Bonds and Other Obligations in this State.

SECTION

1. Erasure of name does not invalidate bond, but diminishes the liability of sureties.
2. Sureties who sign bonds conditionally liable.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That if it shall appear that the name of any person has been signed to any bond or other obligation as surety thereon without his consent, or that the name of any person which has been at any time, properly signed as surety to any bond or obligation has been erased or withdrawn therefrom before delivery thereof, without the consent of other per-

sons signing the same as sureties prior or subsequently to said erasure or withdrawal the said signing without authority or erasure or withdrawal shall not have the effect of rendering such bond or other obligation void as to all of the other obligors thereon, but the sole effect thereof shall be to diminish the extent of the liability of the sureties thereon, other than those whose names may have been so signed without authority or erased as aforesaid, by an amount equal to that which would have been contributed to discharge the common liability by said persons whose names were so signed without authority, or erased as aforesaid; had such want of authority, or erasure not existed.

SEC. 2 Nor shall it hereafter be a defense in favor of any surety on any bond or obligation that he became surety thereon condition that the principal obligor should procure the co-suretyship of other persons before the said instrument should be delivered, and this shall be the case whether the names of said contemplated co-sureties appear upon the face of said instrument at the time said condition is stated, or are specified in an independent agreement or understanding; but in case of every such failure to procure the joinder of the said contemplated co-sureties, the liability of the sureties who actually sign said bond or other obligation shall be as complete and valid as if no such condition had been mentioned, and the instrument to which their names are signed shall be deemed and taken to all intents and purposes as their obligation.

Approved March 17, 1891.

ACT LVI.

AN ACT in Relation to Judgment Liens.

SECTION

1. Judgment a lien on real estate only in the county in which rendered until a certified copy of the judgment is filed in another county where defendant has real estate.
2. Liens in force only three years unless renewed.
3. Act takes effect and in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That a judgment in the Supreme, Chancery or Circuit Court of this State, or in the District or Circuit Court of the United States within this State, shall be a lien on the real estate owned by the defendant in the County in which the judgment was rendered, from the date of its rendition. But such judgment shall not be a lien on the lands of the defendant in any other County than that in which it is rendered, until a certified copy of the judgment is filed in the office of the Clerk of the Circuit Court of the County in which the land lies. The Clerk on the filing in his office of a transcript of a judgment of any of the courts aforesaid, and upon the payment of twenty-five cents, shall immediately proceed to docket and index the same, in the same manner as though rendered in the court of his own County; and from that time the judgment shall be a lien on the defendant's lands in such County.

SEC. 2. The liens authorized by this act shall continue in force for three years from the date of the judgment and may be revived, and a transcript of the judgment of revivor, when filed in other Counties, shall have the same and like effect as judgment of revivor has in the County in which it is rendered.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 17, 1891.

ACT LVII.

AN ACT to be Entitled an Act to Amend an Act Entitled an Act to Reincorporate [reincorporate] the Richmond Male and Female Academy Approved January 21st, 1861.

SECTION

1. Establishes Richmond Male and Female Academy.
2. Appoints S. S. P. Mills, M. A. Locke, J. T. Butler, J. S. Walker, Jr. and J. M. Head trustees.
3. Trustees made a body politic and corporate with certain powers.
4. Powers granted to trustees.
5. Number constituting board and vacancies how filled.

6. Trustees to fix salaries and may remove any officer or teacher.
7. Prohibits the sale of liquor within three miles of the academy.
8. Misdemeanor to violate section 7. Penalty.
9. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That an institution of learning be and the same is hereby established in the town of Richmond, in the County of Little River, to be denominated the Richmond Male and Female Academy.

SEC. 2. *Be it further enacted*, That S. S. P. Mills, M. A. Locke, J. T. Butler, J. S. Walker, Jr. and J. M. Head be and they are hereby appointed Trustees to said Academy, a majority to whom shall be a quorum for the transaction of business.

SEC. 3. *Be it further enacted*, That the Trustees hereby appointed and their successors be and are hereby constituted a body politic and corporate by the name and style of the President and Trustees of the Richmond Male and Female Academy, and in that name may have successors for ninety-nine years, and may hold by purchase, gift or otherwise, any property, real, personal, or mixed, not to exceed fifty thousand dollars, for the benefit of said institution.

SEC. 4. *Be it further enacted*, That the Trustees aforesaid, a majority of them being present, may elect a president and have a common seal and by their aforesaid name, they and their successors shall be empowered to sue and be sued, plead and be impleaded, answer and be answered in all the courts of law and equity in this State, and to grant, convey and assign and (all) property that does now or may hereafter belong to said Academy, or exchange the same for other property of benefit to said institution, to construct all necessary buildings, to manage the finance, to do all things for the benefit of said institution, in as full and complete a manner as any person, body politic, or body corporate may or can do. *Provided*, That in all cases the assent of a majority of the Trustees shall be obtained, and the president shall vote only in case of a tie vote.

SEC. 5 *Be it further enacted*, That the said Board of Trustees shall consist of five members, and whenever a vacancy

shall occur by death, resignation or otherwise the Trustees, or a majority of them may have power to fill such vacancy, and they shall have power to appoint all necessary officers, and remove from office any president, trustee or other officer, for misfeasance or malfeasance in office, a majority of the whole Board of Trustees concurring, and supply all vacancies that may occur in said institution.

SEC. 6. *Be it further enacted*, That the Trustees shall have the power of fixing and regulating the salaries of all officers and teachers and of removing any of them for misconduct in office, a majority of the whole board concurring in said punishment.

SEC. 7. *Be it further enacted*, That from and after the passage of this act, it shall not be lawful for any person or persons, to sell any spirituous or vinous liquors in any quantity whatsoever within three miles of any building or buildings which have been or may be hereafter [built] for the use or benefit of said institution, in said town of Richmond, and it is hereby declared unlawful for any person hereafter to be permitted to retail or sell spirituous or vinous liquors within such limits.

SEC. 8. *Be it further enacted*, That any person or persons violating the provisions of the preceeding section, shall for each offense be deemed guilty of a misdemeanor, and upon indictment and conviction, shall be fined in any sum not less than twenty-five nor more than two hundred dollars.

SEC. 9. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed, and this act take effect and be in force from and after its passage.

Approved, March 20, 1891.

ACTS OF ARKANSAS.

ACT LVIII.

AN ACT to Amend Section Six Thousand One Hundred and Fifty-nine of Mansfield's Digest.

SECTION

1. Amends section 6159 Mansfield's Digest. Fixes time for apportioning common school fund.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 6159 of Mansfield's Digest be amended to read as follows :

"He shall on the first Monday of August and on the first Monday of February of each year, make a *pro rata* apportionment to the several Counties of the State of the remaining revenues in the State Treasury available for distribution for school purposes, on the basis of the number of persons between the ages of six and twenty-one years, residing in the said Counties respectively, on the first day of September previous; and he shall publish a statement of the same, and as early as practicable, shall transmit a copy thereof to each County Examiner and to each of the several Treasurers in the State, and to each County Clerk, who shall submit the same to the County Court at its next term; and he shall thereupon draw his requisition on the State Auditor in favor of the Treasurers of the several Counties for such amount as the said Counties may be entitled to receive for the support of free common schools.

Approved March 20, 1891.

ACT LIX.

AN ACT to Prescribe Penalties, and Render Convictions in Police and Mayor's Courts, a bar to Further Prosecution for the same Offense.

SECTION

1. Town or City councils may prescribe same penalties as for violation of state law.
2. Fines imposed by mayor's or police courts to be paid in the city treasury. Councils have power to prescribe regulations for collection of same.
3. Conviction in a police, mayor's or justice court bar to further prosecution.
4. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the town or city councils in any city or incorporated towns in this State, are hereby authorized and empowered to prescribe the same penalties for all offenses in violating in any ordinance of said city or town as are prescribed for similar offenses against the State laws by the statutes of this State.

SEC. 2. All fines and penalties imposed by the Mayor's or Police Court in any city or town in this State shall be paid into the city or town treasury, and the city or town councils shall have power to prescribe all necessary regulations for the collection, and account for said fines and penalties.

SEC. 3. Whenever any party shall have been convicted before any Police or Mayor's Court in any city or town in this State, or before any Justice of the Peace, said conviction shall be a bar to further prosecution before any Mayors' or Police Court or Justice of the Peace for such offense, or for any misdemeanor embraced in the act committed.

SEC. 4. All laws and parts of laws in conflict with this act are hereby repealed, and this act shall take effect and be in force from and after passage.

Approved March 30, 1891.

ACT LX.

AN ACT to Provide for the Incorporation of Booming and Rafting Companies, the Construction of Booms Across the Rivers and other Waters of this State, and the Management Thereof, and the Regulation of Rafting and Floating Logs and other Timber upon such Waters, and the use of Marks and Brands Thereon, the Disposition of Lodged or Standard Logs or other Timber, and Fixing Penalties for the Violation of the Terms of this Act.

ENACTED

1. Booming and Rafting companies may be incorporated.
2. Articles of agreement to set out certain facts.
3. Rights and powers which may be granted.

7 A

4. May bring suit to enforce lien.
5. Jams or obstructions to rafting may be removed at the expense of the party causing the same
6. The president and secretary to make annual reports. Failure to file report a misdemeanor.
7. Corporations organized under this act to be governed by existing laws.
8. Corporations or persons constructing prohibited from obstructing streams. Penalty for violation.
9. Corporations or persons to be liable for any damage which may result from booms. Attorneys fee to be allowed in case of suit.
10. All personal property of such corporations subject to taxation in the county where located
11. Logs or lumber rafted must be marked.
12. Diagram and description of mark to be adopted and recorded.
13. County Clerk to record mark and diagram if different from others on record Same to be subject to inspection. Fee for recording.
14. Logs, lumber or timber marked presumed to be property of party in whose name mark is recorded.
15. Clerk to hear case of dispute over similar or defective mark and render judgment. An appeal may be taken from clerk's judgment.
16. Only the owner or his agent to take possession, drive, run or dispose of floating timber.
17. Only the owner or his agent can deface any mark.
18. Only the owner or his agent can mark any logs or timber.
19. Counterfeiting or forging marks prohibited.
20. Penalty for violating.
21. Persons taking or converting to his own use any logs or timber liable in double damages.
22. Right of search granted. Penalty for obstructing or hindering search.
23. Six months granted for the removal of drifted rafts on payment of damages or giving bond except in certain cases. Failure to remove in time specified owner of land may take possession of raft after making publication.
24. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. Any five or more persons who shall have associated themselves by articles of agreement in writing according to the laws of this State for the purpose of engaging in and carrying on the business of running, driving, booming, and rafting logs, timber, lumber, shingles and other floatables, on any of the streams or waters in this State, or for the construction of booms across or in any such waters or streams may be incorporated under any name or title designating such business, and under or by such name shall be capable of suing and being sued in any Court in this State.

SEC. 2. The articles of agreement mentioned in section 1 shall set out,

FIRST, The corporate name of the proposed corporation, which shall not be the name of any incorporation heretofore incorporated in this State, or an imitation of such name.

SECOND, The name of the city, town or county in which the corporation is to be located, the river or stream on which it is proposed to conduct its business, or across, or in which it proposes to construct such boom or booms giving the section, township, and range of the location of such booms.

THIRD, The amount of the capital stock of the corporation, the number of shares into which it is divided and par value thereof, and that the same has been *bona fide* subscribed and one-half thereof actually paid up in lawful money of the United States, and in custody of the persons named as the first Board of Directors.

FOURTH, The names and residences of the several share holders, and the number of shares subscribed by each.

FIFTH, The number of the Board of Directors and the names of those agreed upon for the first year.

SIXTH, The number of years the corporation is to continue, which in no case shall exceed fifty years.

SEVENTH, The purposes for which the association is formed. The articles of agreement shall be signed and acknowledged by the parties thereto before some officer authorized by law to take the acknowledgment of deeds to lands in this State, and recorded in the office of the recorder of deeds of the County in which the corporation is to be located, and a certified copy of such recorded instrument shall be filed in the office of the Secretary of State.

SEC 3. Every such corporation shall by their corporate name have power to acquire use and hold all such real and personal property or estate by lease or purchase as shall be necessary for the purpose of carrying on the business of such corporation with the full right of selling and disposing thereof. When not further needed, they shall have power and the right in any of the rivers, creeks or waters of this State named in their articles of association, to construct, use, and maintain all

necessary booms for the business of such corporation, *Provided always*, That they shall have first obtained from the owner or owners of the shores along which, or in front of which they desire to construct such boom or booms either by lease or purchase, their permission to erect and maintain such boom or booms in front of his or their land; and, *Provided further*, That such boom or booms shall be so constructed as to allow the free passage of boats, vessels, crafts and logs, timber or lumber in rafts or other floatables along such waters as are navigable for such crafts. They shall have power to make all necessary contracts for driving, booming, rafting and running logs, timber, lumber, or other floatables. They shall have power to carry on the business of driving, booming, rafting and running logs, timber, lumber or other floatables; or either of them as they may from time to time determine; and for the use of said boom or booms in the care and custody of logs, timber, lumber and other floatables; in all cases where no rates is fixed by contract to charge and collect a uniform and reasonable sum for boomage and for such boomage and for driving, rafting or running of logs, timber, lumber and other floatables such corporation shall have a lien on the logs, timber, or other floatables driven, boomed, rafted or run and such corporation shall be entitled to retain the possession of so much of such logs, timber, lumber or other floatables as may be necessary to satisfy the amount of such boomage and reasonable charges for driving, rafting or running of logs, timber, lumber and other floatables; and all expenses for taking care of the same until the same shall be determined, satisfied and paid in the manner hereinafter prescribed; and whenever any such logs, timber, lumber or other floatables, shall be delivered by any duly authorized corporation or person to any other duly authorized corporation or person for transportation or delivery at its proper destination, such lien shall remain a lien upon such logs, timber, lumber or other floatables, for the benefit of such said first corporation or person until the same shall have reached its proper destination; and said first corporation

or person shall be deemed not to have lost its lien on said logs, timber, lumber or other floatables, and shall have power to take and retain possession of the same in common with any other party having a subsequently acquired lien thereon or so much of the same as may be necessary to satisfy the amount of such boomage and reasonable charge for driving, rafting or running of logs, timber, lumber or other floatables until the same shall be determined, satisfied and paid in the manner hereafter prescribed. Individuals and copartnerships shall be entitled to all the privileges provided by this act for corporations, and shall be subject to the same liabilities and restrictions.

SEC. 4. Any such corporation claiming any lien as provided for in the third section of this act, may bring an action against the owner of such property to determine and satisfy the amount of such lien. The proceedings in such actions shall be in accordance with existing laws for the enforcement of lien in favor of laborers in this State, and the property so held may be sold to satisfy any judgment which may be rendered against such owner, together with all costs of such suit including the costs and expenses providing for the care and safety of such property.

SEC. 5. If any corporation person or persons shall put or cause to be put into any river, creek or stream in this State, or shall have in any such river, creek or stream any logs, lumber or timber for any purpose and shall not make adequate provisions and put on sufficient force for driving or running the same, or for breaking jams of such logs, timber or lumber in or upon such river, creek or stream, or at the head of, or along the side of any boom, or shall for the want of adequate provision or the want of sufficient force, allow such logs, timber or lumber to jam or accumulate in said river, creek or stream, or at the head of such boom or booms, or along the side thereof thereby obstructing the navigation or passage by logs, or rafts of such river, creek or stream, it shall be lawful for such corporation at the head of, or at the side of whose boom or booms, such jam or accumulation of logs,

timber or lumber shall form, or any person or corporation desiring to navigate or pass with rafts, logs or other timber the point in said stream where such obstruction may be to cause such jams to be broken at the expense of the person or corporation owning such logs, lumber or timber, and such owner shall be liable to such corporation, person or persons for the cost and expenses of breaking such jams, and such corporation, person or persons shall have a lien on such logs, lumber or timber for the cost and expense thereof, and may proceed to collect such charges, costs and expenses, in the same manner and in all respects as provided by section four of this act, and may hold a sufficient amount of such logs, lumber or timber to satisfy such charges and expenses.

SEC. 6. The president and secretary of every such corporation shall annually in the month of April, make a report duly verified by oath of the officer signing the same and containing:

FIRST, The amount of the capital stock of the corporation actually paid in.

SECOND, The amount invested in real and personal estate.

THIRD, The amount of debts and credit of the corporation, and present value of its real and personal estate

FOURTH, The name of each stockholder, and the number of shares held by him, at the date of such report, every such report shall be filed with the secretary of the association, and also in the office of County Clerk of the County in which the business office of said association shall be located, and shall be opened at all reasonable times to the examination of any and every stockholder, and all other persons interested in the facts therein stated, and if the said president and secretary of such corporation shall neglect or refuse to make or file such report, they shall severally be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars.

SEC. 7. Corporations organized under this act shall in all respects wherein no provision is otherwise made be governed by the provision chapter twenty-nine of the Revised Statutes

of Arkansas for A. D. 1884, entitled "Corporations for manufacturing and other lawful business."

SEC. 8. No corporation, person or association of persons having constructed a boom across or in any of the streams or waters of this State shall receive or assent to the accumulation of any logs, lumber or other timber therein when the same shall obstruct the crossing of any public highway over such streams, or the passage of any ferry boat at any licensed ferry thereon, and for every violation of the provisions of this section, such persons or corporation shall on conviction be punished by a fine not exceeding two hundred dollars.

SEC. 9. Every corporation, person or association of persons who shall construct a boom across or in any of the streams or waters of this State, shall be liable for all damage arising from back-water, or overflow caused by the construction of such boom or the accumulation of logs, lumber or other floatables therein, and in all cases where judgment is rendered in any Court for any damages occasioned as hereinafter provided, the Court shall allow the plaintiff a reasonable attorney's fee, to be taxed as costs in the case.

SEC. 10. All personal property of any corporation organized under this act, shall be liable to taxation in the County where it may be used or permanently located.

SEC. 11. Every person, copartnership or corporation who shall put any logs, lumber or other timber into any river or other waters in this State, for the purpose of rafting or floating the same to any other place shall have some mark or marks previously selected, approved and recorded in the manner hereinafter specified impressed in a conspicuous place upon the end or surface of each of said logs, piece of lumber, shingles or stick of timber so put into any of the aforesaid waters.

SEC. 12. Before any such marks shall be used, it shall be the duty of every such person, copartnership or corporation intending to use the same to cause a diagram and complete description thereof, signed by such copartnership, person or corporation to be recorded in the office of the Clerk of the

County Court of each County through which such river or water may run, such marks shall be different from any mark which shall have been prior thereto adopted and recorded by any other person or corporation in any such County.

SEC. 13. The Clerk of the County Court shall examine such mark and diagram and if different from any other mark recorded in his office he shall record the same in a well bound book, which shall be open to the inspection of any person requiring it, and the Clerk shall be allowed the sum of fifty cents for recording each mark, to be paid in advance by the party having the same recorded.

SEC. 14. All logs, lumber or other timber having any such recorded mark impressed or fixed thereon shall be presumed to belong to the person or corporation in whose name said mark shall have been recorded.

SEC. 15. Upon complaint made to the County Clerk that any mark recorded is similar to a mark recorded in said County prior thereto, or that such mark is defective, and not in compliance with this statute, and upon ten days written notice to the party using such similar or defective mark, which notice shall state the time of the hearing thereof, the Clerk shall have jurisdiction to hear and try the question whether said mark is similar to a prior recorded mark, or is defective, and if so found he shall enter his judgment in the record of marks and thereafter the party shall have no right to use the same, or if he finds the mark is not similar nor defective, he shall enter such finding, and either party may appeal from such decision to the Circuit Court of the County in the same manner and with the same effect as appeals are prosecuted from the judgment of Justice of the Peace. Like fees and costs shall be allowed in such proceedings as in trials in Justice Courts, to be paid by the losing party and recovered by execution which may be issued by said Clerk.

SEC. 16. No person other than the owner thereof, or his agent, shall take possession, drive, run or in any way dispose of any log, spile, railroad tie or other timber, shingles or lum-

ber floating upon, lying or being in any river or other waters in this State, or any boom therein or on the shore or banks thereof.

SEC. 17. No person other than the owner or his agent shall cut off, cut out, alter or deface or destroy any mark made upon any log, railroad tie or other timber or lumber lying or being in any of the rivers or waters of this State, or in any boom therein or on or near the shores or banks thereof.

SEC. 18. No person other than the owner or his agent shall make or place, or cause to be made or placed any mark upon any log, railroad tie, or other timber, or lumber upon or in any river or other waters in this State, or in any boom therein or on, or near the banks or shores thereof.

SEC. 19. No person shall falsely mark, forge or counterfeit any such mark, or use any mark in marking logs or other timber knowing the same to be the mark of another person or corporation.

SEC. 20. Any person violating any of the four preceding sections shall be deemed guilty of a misdemeanor, and on conviction punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail, not exceeding six months, or both such fine and imprisonment.

SEC. 21. Any person who shall by himself, or employee, without the consent of the owner thereof, take and convert to his own use any log, spile, railroad tie or other timber or lumber not his own floating upon, lying or being in any river or waters of this State or in any boom therein, or on, or near the shore thereof, shall be liable in double damages to the party injured, to be recovered by civil action by the owner thereof.

SEC. 22. It shall be lawful for any person or corporation owning any logs, spars, railroad ties, or other timber, shingles or lumber, or the agent of any such person or corporation to search and examine any rafts of logs, any railroad ties, logs, lumber or other timber, whether in rafts or booms or wherever situated in any of the waters of this State, or on the shores thereof, to ascertain whether any logs, timber or lum-

her belonging to such person or corporation may be there found, and any person who shall wilfully obstruct or hinder any person engaged in such search or examination shall be punished by a fine of not less than twenty, nor more than five hundred dollars, or imprisonment in the county jail not more than six months, or both such fine and imprisonment. This section shall not be deemed to give authority to break any rafts, or land, or otherwise to stop any such rafts, logs, or other timber, without first obtaining a writ or warrant therefor from some Court having jurisdiction to grant the same.

SEC. 23. Whenever any logs, lumber, railroad ties, boards or other timber in rafts or otherwise shall be drifted or float upon any island in any of the waters or streams of this State, or upon the banks or shores of such waters, or lands adjacent thereto, the owner of such logs, lumber, railroad ties, boards or other timber, or any person or corporation entitled to the possession thereof, may at any time within six months remove the same by paying or tendering to the owner of such bank, shore or lands such reasonable damages as may have been caused by such occupancy and removal, and if the amount of such damages cannot be agreed upon, may make and deliver to the owner of such shores, banks or lands, a bond in such penal sum, and with sureties as shall be approved by the Clerk of the Circuit Court of the County, conditioned for the payment of all damages which may have been caused by the drifting or floating of such logs, railroad ties, boards, lumber or other timber upon such shores, banks or lands, and the removal thereof. Such bond shall be fixed by the Clerk upon the affidavit of the party, or his agent or attorney owning such lumber, logs, railroad ties, shingles or other timber of the value and amount of same, and the damages sustained to such land, and that will be sustained by such removal and such bond shall be in at least double the amount of the probable damages to such land; *Provided*, That the owner of the land may file with the Clerk a like affidavit of the probable amount of such damages, which shall also be considered, and upon the execution and delivery

of such bond, such owner or his agent may enter upon said land, and remove such lumber, logs, ties or other timber therefrom, and thereafter any action for such damages shall be brought upon such bond. If such lumber, logs, ties, boards or other timber shall not be removed within six months from the time the same is drifted or floated upon said land, the owner thereof shall be deemed to have forfeited all right thereto, to the owner of the land where the same may have drifted or lodged, *Provided, however,* That no forfeiture shall accrue under this section until the owner of said land or his agent shall have given thirty days notice, by publication in some weekly news paper published in said County; or if no newspaper is published in said County, then in the nearest weekly newspaper thereto, giving a description of such logs, lumber or other timber, the marks on same, if any, and the date when drifted or lodged upon said land, as near as may be known, and the place where drifted or lodged, and the expense of said publication shall be paid by the owner of such logs, lumber, ties, or other timber, if removed by him. *Provided,* That such notice shall not be given until such lumber, logs, ties or other timber shall remain on said land for thirty days; and *Provided, further,* That if the land upon which such logs, ties, lumber or other timber may be lodged or drifted, shall be improved, cultivated land, the notice herein provided for may be given at any time after the same has remained on said land ten days, and in such case the forfeiture herein provided for shall be deemed to be complete after the lapse of three months from the time such logs, lumber, ties or other timber may be drifted or lodged on such land, and remain unmoved, and *Provided further,* That from lands where it is desired and needful to at once cultivate; the owner or occupier thereof may immediately remove such logs, lumber or other timber to some other place on his said land not needed or desired for use or cultivation, where the same shall be subject to the provisions of this section, as upon improved, cultivated lands, and the reasonable cost of such removal shall be deemed a portion of the damages herein

provided for, but such removal shall be made so far, as practicable as to facilitate the restoration of the logs, lumber or other timber into the stream from whence it came.

SEC. 24. That all laws and parts of laws in conflict with this act, are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved March 21, 1891.

ACT LXI.

AN ACT to Authorize the State Treasurer to Borrow the Currency belonging to the Internal Improvement Fund, and the Swamp Land Fund, to Meet the Current Expenses of the State Government, and for Other Purposes.

PREAMBLE

Recites that there are certain funds in the State Treasury for which there is no immediate demand and that there is not sufficient money in the General Revenue fund to meet existing demands.

SECTION

1. State Treasurer directed to execute a note of the State payable to the Internal Improvement fund for \$41,124.42 and transfer money to General Revenue fund.
2. State Treasurer directed to execute a note of the State payable to the Swamp Land fund for \$9,217.93 and transfer money to General Revenue fund.
2. Notes may be paid when General Assembly may deem best.
4. Act in force from passage.

Whereas, There is to the credit of the Internal Improvement Fund now in the Treasury in currency, the sum of \$41,124.42, and to the credit of the Swamp Land Fund the sum of \$9,217.93, and

Whereas, There is no immediate prospect of the application of said funds for the purposes, and in the manner desired and intended by Congress in making the respective grants, and

Whereas, The General Revenue fund now in the Treasury is not sufficient to supply the immediate and pressing demands of the current expenses of the State Government and to provide for the support and maintenance of the charitable institutions of the State. Therefore

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the State Treasurer be and he is hereby authorized and directed to execute a note or obligation of the State payable to and in favor of the Internal Improvement Fund for the sum of forty-one thousand one hundred and twenty-four dollars [and forty-two cents], (\$41,124.42) due and payable on or before the first day of April, 1896, with interest at the rate of two (2) per cent. per annum from date until paid. That when he shall have executed such note or obligation, he shall file the same in his office, and shall thereupon charge the same to the account of said fund, and shall credit said sum of money on said account, and transfer the same to the account of the General Revenue Fund for which he shall account as for other like funds received by him.

SEC. 2. That the State Treasurer execute a note or obligation of the State payable to and in favor of the Swamp Land Fund for the sum of nine thousand, two hundred, seventeen dollars and ninety-three cents (\$9,217.93) due and payable on or before the first day of April, 1896, with interest at the rate of two (2) per cent. per annum from date until paid. That when he shall have executed such note or obligation, he shall file the same in his office, and shall thereupon charge the same to the account of said fund, and shall credit said sum of money on said account, and transfersame to the account of the General Revenue Fund for which he shall account as for other like funds received by him.

SEC. 3. That the notes or obligations provided for in sections one (1) and two (2) of this act, may be paid off and discharged at any time when the General Assembly may deem best, whether the same be due or not.

SEC. 4. That this act take effect and be in force from and after its passage.

Approved March 21, 1891.

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ACT LXII.

AN ACT to Create the Sixteenth Judicial Circuit of the State of Arkansas, and to Change the Boundaries of the Second, Third and Fourteenth Judicial Circuits, and for other Purposes.

SECTION

1. Counties composing the Sixteenth judicial circuit.
2. Counties composing the Second judicial circuit.
3. Counties composing the Third judicial circuit.
4. Counties composing the Fourteenth judicial circuit.
5. Courts to be held as now provided by law.
6. Time of holding courts in the Sixteenth circuit.
7. Provides for a special election for judge and prosecuting attorney in the sixteenth circuit.
8. Salary of judge and prosecuting attorney.
9. Act in force from passage, but inoperative until first Monday in June, 1891.
10. Conflicting laws repealed.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the Counties of Clay, Randolph, Sharp, Fulton and Izard shall hereafter compose the Sixteenth Judicial Circuit of the State of Arkansas.

SEC. 2. That the Counties of Green, Craighead, Poinsett, Cross and Mississippi shall hereafter compose the Second Judicial Circuit of the State of Arkansas.

SEC. 3. That the Counties of Independence, Jackson, Lawrence and Stone shall hereafter constitute the Third Judicial Circuit of the State of Arkansas.

SEC. 4. That the Counties of Baxter, Boone, Marion, Newton and Searcy shall hereafter constitute the Fourteenth Judicial Circuit of the State of Arkansas.

SEC. 5. That the Courts of the Second, Third and Fourteenth Circuits shall be held as are now provided by law.

SEC. 6. That the Courts of the Sixteenth Judicial Circuit shall be held as follows:

In the County of Clay, Western District, the first Mondays of January and July of each year.

Eastern District, the third Monday after the first Mondays of January and July of each year.

In the County of Randolph on the first Mondays of February and August of each year.

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In the County of Sharp on the Fourth Mondays of February and August of each year.

In the County of Fulton on the second Mondays March and September of each year.

In the County of Izard on the fourth Mondays of March and September of each year.

SEC. 7. That an election shall be held in the several Counties of the Sixteenth Judicial Circuit on the third Saturday in June, 1891, in the manner now prescribed by law for holding elections for similar offices, for the office of Circuit Judge for the said Sixteenth Judicial Circuit, and for the office of Prosecuting Attorney for the said Sixteenth Judicial Circuit, and the term of said officers so elected shall expire at the time that the offices of the other Circuit Judges and Prosecuting Attorneys expire, and shall be filled at the election when other officers shall be elected for the same positions.

SEC. 8. The Circuit Judge and Prosecuting Attorney so elected shall receive the same salary as other Circuit Judges and Prosecuting Attorneys in this State.

SEC. 9. That this act shall take effect and be in force from and after its passage; but for the purpose of holding the spring term of the courts of the various Counties affected by this act, shall not take effect until the fourth Monday in June, 1891.

SEC. 10. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 21, 1891.

ACT LXIII

AN ACT to Regulate the Jury System.

SECTION

1. Limits term of jurors to four weeks.
2. Terms longer than four weeks jury commissioners to return a separate panel for each four weeks, *Proviso.* Courts which do not hold four weeks to have a separate panel for each two weeks.
3. Circuit Courts may require commissioners to return an extra list.

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4. Extra list to be placed in a sealed box and to be drawn when needed. Sheriff to summon. Proviso. By-standers may be summoned when list is exhausted.
5. Postmasters, Justices of the Peace and County officers may be challenged.
6. Persons exempt from jury duty.
7. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. The term of service of any person summoned to serve on the petit jury in the Circuit Courts of this State shall be limited to four weeks, and no person serving for such time shall be eligible for further service during that term or the next succeeding term, *Provided*, That nothing in this act shall be construed to limit the time of service of any jurymen who may be at the time of expiration of his service, empaneled on a jury actually engaged in trying a cause.

SEC. 2. When the term of any Circuit Court is by law longer than four weeks, the Circuit Court shall require the jury commissioners to return a separate panel for each four weeks or fraction thereof of the term of said court. *Provided*, That in all courts the term of which does not exceed four weeks, the jury commissioners shall return a separate panel for each two weeks, or fraction thereof, of said term of court.

SEC. 3. The Circuit Courts shall have power if they deem the same advisable, to direct the jury commissioners in addition to the regular panel, to provide a list of names not less than twenty-five, for the use of said court in all cases when the regular panel may have been exhausted in empaneling any jury, said list to be drawn in lieu of summoning by-standers.

SEC. 4. Said list so returned as provided in the foregoing section, shall be placed in a separate box, each name having been written on a separate slip of paper, and said box shall be securely locked or sealed, and shall not be opened except under direction of and in presence of the Court. Whenever the regular panel shall be exhausted as provided in foregoing section, the court instead of summoning by-standers, shall direct the clerk to draw from said box a sufficient number of names to complete the jury being empaneled, and shall hand the same to the Sheriff who shall forthwith proceed to summon

said parties for service on said jury. *Provided*, That if said list so drawn from said box shall be exhausted, the Court shall order the Sheriff to summon by standers as now provided by law.

SEC. 5. Whenever any juryman shall be presented for examination in empaneling any jury, it shall be a ground of pre-emptory challenge, that said juryman is a postmaster, justice of the peace or county officer.

SEC. 6. No physician, surgeon, practicing attorney, minister, of any religious society, officer of a court, or ferry-keeper shall be compelled to serve on a grand or petit jury, and the Court shall have power to excuse from jury service any person over sixty years of age, overseers of roads, school directors, or constables who may be selected for jury service.

SEC. 7. All laws in conflict herewith, are hereby repealed, and this act shall take effect ninety days after its passage.

Approved March 23, 1891.

ACT LXIV.

AN ACT to Continue in Force an Act Entitled "An Act to Grant R. B. Archer a Charter Authorizing him to Build a Turnpike Road in the County of Columbia," Approved the 13th day of March, 1867.

SECTION

1. Grants R. B. Archer a charter for a turnpike in Columbia County.
2. Right of way granted over any State lands.
3. Road, how to be constructed.
4. To be the only public road within four miles. Grantees required to keep road in good repair.
5. Rate of toll to be charged.
6. Charter good for twenty-five years.
7. Grantees liable for damages How to recover.
8. Penalty for evading toll.
9. No obstructions to be placed in the way in construction. Road to be completed in two years.
10. This act a public act and in force from March 13, 1892.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That R. B. Archer of the County of Columbia, be and he is hereby granted a charter authorizing and legally

empowering him, his heirs or assigns to construct, build and establish a turnpike road with necessary bridges across Big creek and bottom or swamp upon the present road leading from Magnolia westward to Lewisville, Shreveport, etc, commencing at a point where said road crosses the east boundary of the west half of section No. 15 of township No. 17, north of range 21, west, said point being on the east side of said creek and swamp, and terminating at a point where said road crosses the west boundary of the east half of section No. 16, in said township and range, being on the west side of said creek and swamp.

SEC. 2. *Be it further enacted*, That the right-of-way over any unappropriated swamp or State lands, upon which said road may be located, is hereby granted together with all necessary dirt and timber thereupon, necessary for the construction and repairs of said road.

SEC. 3. *Be it further enacted*, That said road may be constructed of wood or dirt, or both, at the option of the builder; and shall be made above high-water mark, at least ten feet, in width at the top, with two or more places of ample width for the passage of wagons, and other vehicles.

SEC. 4. *Be it further enacted*, That when said road shall be in all things fully completed, it shall be and is hereby declared the only public road crossing said creek and swamp within four miles of said turnpike road, and the said R. B. Archer, his heirs or assigns is hereby required to keep said road in good repair, affording at all times ready transit to the traveling public—unavoidable or providential causes of obstruction only excepted.

SEC. 5. *Be it further enacted*, That when said road shall be completed according to the true intent and meaning of this enactment, then the said R. B. Archer, his heirs and assigns shall be authorized and empowered to charge and receive at all times when the said road is in good repair the following rates of toll or pikage for traveling upon said road, viz.:

For each wagon and team of six horses, mules or oxen, fifty cents.

For each wagon and team of four horses, mules or oxen, fifty cents.

For each wagon and team of two horses, mules or oxen twenty-five cents.

For each four-wheel pleasure carriage and team of two, twenty-five cents.

For each four-wheel pleasure carriage and team of one fifteen cents.

For each cart and team of one, fifteen cents.

For each gig or sulky and team of one, fifteen cents.

For each person on horseback, five cents.

For each footman, loose horse, mule, jack, or jennet, three cents.

For each head of cattle, sheep, goats and hogs, two cents.

For each animal traveling for exhibition not in carriage, five cents.

And proportional rates for all things not herein specified.

SEC. 6. *Be it further enacted*, That the charter and the privileges herein granted, shall continue, and enure to the benefit of the said R. B. Archer, his heirs and assigns for the term of twenty-five years from and after the passage of this act, and said rights and privileges thus granted shall vest in any person or persons to whom he or they may transfer the same, in as full and ample a manner as if the same had been granted to him or them by name.

SEC. 7. *Be it further enacted*, That said R. B. Archer, his heirs or assigns, may and shall be liable for damages to person or property, incurred or caused by any neglect to keep in repair said road as contemplated in the preceding sections; which damages may be recovered by action of debt before any court of competent jurisdiction, and the said R. B. Archer or his assigns are hereby made amenable to the Circuit Court of Columbia County for failure, or neglect to keep said road in repair; and for such failure or neglect shall be subject to like

penalties incurred by delinquent overseers of public roads, by presentment and indictment by the grand jury of Columbia County.

SEC. 8. *Be it further enacted*, That if any person shall travel on said road and shall attempt to evade or refuse to pay the toll allowed by this act, such person shall forfeit and pay to said R. B. Archer, or his assigns the sum of ten dollars for any such offense to be recovered by action of debt before any Justice of the Peace in this State,

SEC. 9. *Be it further enacted*, That during the process of constructing the road contemplated in the preceding sections, the work of construction shall be conducted in such a way and manner as to place no additional obstacles to prevent the crossing of said stream and the entire work of constructing said road shall be completed within two years from and after the passage of this act, otherwise the privileges herein granted are declared forfeited.

SEC. 10. *Be it further enacted*, That this act is declared a public act, and shall be in force and effect from and after the 13th day of March, 1892.

Approved March 24, 1891.

ACT LXV.

AN ACT to Amend Section Twenty-five Hundred and Ninety-two (2592) of Mansfield's Digest.

SECTION

1. Amends section 2592 Mansfield's Digest. The interest of widow, having no children, in husbands estate.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section twenty-five hundred and ninety-two (2592) of Mansfield's Digest be amended so as to read as follows:

Section 2592. If a husband die, leaving a widow and no children, such widow shall be endowed in fee simple of one-

half of the real estate of which such husband died seized, where said estate is a new acquisition and not an ancestral estate; and one-half of the personal estate, absolutely and in her own right, as against collateral heirs, but, as against creditors, she shall be endowed with one-third of the real estate in fee simple if a new acquisition and not ancestral, and of one-third of the personal property absolutely. *Provided*, That if the real estate of the husband be an ancestral estate she shall be endowed in a life estate of one-half of said estate as against collateral heirs, and one-third as against creditors.

SEC. 2. All laws and parts of laws in conflict herewith be and the same are hereby repealed, and that this act shall take effect and be in force from and after its passage.

Approved March 24, 1891.

ACT LXVI.

AN ACT to Amend Section one (1) and two (2) of an Act to Establish Separate Courts in Desha County.

SECTION

1. Defines the Watson districts. Certain territory may be attached to the Watson districts and the Arkansas City district on petition.
2. Circuit and Probate Courts to be held at Dumas same number of terms as at county seat, provided a lot is furnished and court house built. Actions now pending not to be disturbed. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That all that portion of Desha County constituting Red Fork, Silver Lake, Randolph and Old River townships together with sections six (6), seven (7), eighteen (18), nineteen (19), township ten (10) south range two (2) west, shall be erected into a separate Judicial District to be known as the Watson District of Desha County. *Provided*, That within nine months after the approval of this act, the County Court of Desha County may upon the presentation of a petition signed by a majority of the qualified voters residing in township ten south range four west, may by order attach said town-

ship to the Watson District. And upon attaching said township to said district may, upon like petition so signed by a majority of the voters of township ten, south, range three, west attach that township to said district, *Provided, further,* That upon a petition signed by a majority of the voters of what is known as Old River political township may transfer that township or such portions of it as said Court may deem proper to the Arkansas City District. And after said nine months no farther changes shall be made in said district except by act of the General Assembly.

SEC. 2. That the Circuit and Probate Courts of Desha County shall be holden the same number of terms at Dumas in said Watson District as are now holden at the County Seat of said County at such times as may be designated by law, and shall be called respectively the Circuit and Probate Courts of Desha County, for Watson District; and the authority and territorial jurisdiction of said Courts shall extend over the Watson District as above described, in the same manner as if said district was a separate County, constitutionally created and shall have jurisdiction of all cases and matters arising within and for said district, in the same manner as they would if said district was a separate County. *Provided,* Until E. N. Evans shall convey to Desha County the lot of ground known as Court Square at Dumas, being lot less than 250 feet square with a house as good and suitable for holding Courts therein as the court house now in Watson. Said Court shall continue to be held at Watson, that upon the delivery of a deed to Desha County the Clerk and Sheriff of said County upon the receipt of said deed if in their judgment the said house is such as before stated they shall remove their offices and the papers and records thereof, to Dumas, and thereafter said Courts shall be held at said place. *Provided, farther,* That all actions now pending in either districts of said County shall remain for final jurisdiction as if this act had not passed. This act shall take effect and be in force from and after its passage.

Approved March 25, 1891.

ACT LXVII.

AN ACT for the Incorporation of Turnpikes and Plank Road Companies.

SECTION

1. Turnpike companies may be incorporated.
2. Capital stock to be divided into shares.
3. The purposes must be specifically set out.
4. Notices of first meeting to be given unless waived by all the stockholders.
5. Directors how chosen and term of office.
6. Failure to elect directors at annual meeting do not dissolve corporation, but an election may be held any time.
7. Directors to elect the officers.
8. Directors to fill vacancies.
9. Articles of Association must be filed and recorded.
10. A majority of directors and stockholders constitute a quorum. Each share entitled to one vote.
11. Subscriptions to stock how collected.
12. Meetings of directors
13. Authorized to use public roads.
14. County Judge to regulate the toll.
15. Viewers to be appointed.
16. Toll gates to be erected.
17. President and directors to appoint toll gatherers.
18. Toll gatherers may detain persons until toll is paid.
19. Persons exempt from toll
20. Construction of road.
21. Corporation may adopt rules and regulations.
22. Turnpike companies may apply to circuit court to assess damages for right-of-way.
Proviso, Publication to be made in certain cases.
23. Court to appoint a guardian ad litem in cases of infants and persons of unsound mind.
24. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. Any number of persons not less than three who by articles of agreement in writing have associated or shall associate according to the provisions of this act, under any name assumed by them, for the purpose of making a turnpike road, and who shall comply with the provisions of this act, shall with their successors and assigns constitute a body politic and corporate, under the name assumed by them in their articles of association.

SEC. 2 The amount of the capital stock in every such joint stock corporation shall be fixed and limited by the stockholders in their articles of association, and shall be divided into shares of twenty-five dollars each. But every such corporation may increase its capital stock and the number and amount

of shares therein, at any meeting of the stockholders specially warned for that purpose.

SEC. 3. The purpose for which every such corporation shall be established, shall be distinctly and definitely specified by the stockholders in their articles of association, and it shall not be lawful for said corporation to direct its operations or appropriate its funds for any other purpose.

SEC. 4. When any number of persons shall have associated according to the provisions of this act, any two of them may call the first meeting of the corporation, at such time and place as they may appoint, by giving notice thereof in any one or more newspapers published in the County in which said corporation is to be established, or in any adjoining County at least fifteen days before the time appointed for such meeting. But said notice may be waived by a writing, signed by all of the subscribers to the capital stock of such company, specifying the time and place for said first meeting which writing and signatures shall be entered at full length upon the records of the corporation, and the first meeting of any such corporation held pursuant to such written waiver of notice, shall be valid.

SEC. 5. The stock, property, affairs and business of every such corporation shall be under the care of, and managed by, not less than three directors, who shall be chosen annually by the stockholders, at such time and place as shall be provided by the by-laws of said corporation, and who shall be stockholders, and shall hold their offices for one year, and until others shall be chosen in their stead.

SEC. 6. If an election of directors in any such corporation shall not take place at the annual meeting thereof in any year such corporation shall not thereby be dissolved, but an election may be had at any time, notice of which shall be given by the directors.

SEC. 7. The directors of every such corporation shall choose one of their number to be president, and shall also choose a secretary and a treasurer, which two last mentioned

officers shall reside, and have their place of business and keep the books of said corporation within this State, and the directors shall choose such other officers as the by-laws of the corporation shall prescribe, all of whom shall hold their offices until others shall be chosen in their stead.

SEC. 8. The directors of such corporation for the time being, shall have power to fill any vacancy which may happen in their board by death, resignation or otherwise for the current year.

SEC. 9. Before any corporation formed and established by virtue of the provisions of this act shall commence business, the president and directors thereof shall file a true copy of their articles of association at full length, and also a certificate setting forth the purpose for which such corporation was formed, the amount of its capital stock, the amount actually paid in, and the names of its stockholders, and the number of shares owned by each respectively, with the Clerk or Clerks of the County or Counties in which such corporation is to transact business. Said articles of association and certificates shall be signed by the president and a majority of the directors, and said County Clerk or Clerks shall record the same in books to be kept by him or them for that purpose, and within thirty days after payment of any installment called for by the directors of such corporation, a certificate thereof shall be made, signed, filed and recorded as aforesaid. A copy of the certificate first specified in this section, certified by said County Clerk or Clerks, under the seal or seals thereof, shall be received in all the Courts of this State *prima facie* evidence of the due formation, existence and capacity of such corporation in any suit brought by or against the same.

SEC. 10. A majority of the directors of any such corporation convened according to the by-laws shall constitute a quorum for the transaction of business, and a majority of the stockholders present at any legal meeting shall be capable of transacting the business of the meeting, and at all meetings of

such stockholders each share shall entitle the holder thereof to one vote.

SEC. 11. The directors may call in the subscription to the capital stock of said corporation by installments in such proportion and at such times and places as they shall think proper, by giving such notice thereof as the by-laws shall prescribe, and in case any stockholder shall neglect or refuse payment of such installment for the space of sixty days after the same shall have become due and payable, and he shall have been notified thereof, said corporation may recover the amount of said installment from such negligent stockholders in any proper action for that purpose, and may sell such stock at public auction, giving at least thirty days notice of the time and place of sale by advertising in some newspaper published in the County where the business of such corporation is transacted, or in an adjoining County, and in case of a sale the proceeds thereof shall first be applied in payment of the installment called for and the expenses of the sale, and the residue shall be refunded to the owner thereof. In case the proceeds of such sale shall be insufficient to pay said installment, said corporation may recover the balance from such negligent stockholder. Such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so purchased.

SEC. 12. The president and directors shall have power and it shall be their duty to meet from time to time at such place as they may deem expedient to make such by-laws, rules and regulations, as in their good judgment the affairs of the corporation may require, to appoint such subordinate officers and workmen as may be deemed necessary for the business of the corporation.

SEC. 13. Whenever, in the judgment of such corporation, the convenience of the public or directness of route shall require that it avail itself of any public road or any portion thereof for the construction of such Turnpike, it shall be and is hereby so authorized.

SEC. 14. The County Judge of each County through which such turnpike road may pass, shall, in the cases mentioned in the preceding section, and in all other cases regulate the tolls to be charged upon a scale equitable to such corporation and the public.

SEC. 15. As soon as the president and directors of any company incorporated under this act shall have completed their road, they shall give notice thereof to the County Judge of the County through which said road passes, who shall appoint three discreet freeholders not interested in said road, to view the road and report to him in writing whether the same is completed in a workmanlike manner, according to the requisitions of this act.

SEC. 16. If such report shall be in the affirmative it shall be the duty of said County Judge, in writing, under the seal of the County, to permit the said president and directors to erect so many toll gates on the road reported as shall be sufficient for the collection thereon of the tolls allowed thereon according to section 14.

SEC. 17. The president and directors shall then appoint toll gatherers thereon, to collect at each gate so erected from the persons using the road, such toll as shall be allowed them.

SEC. 18. Each toll gatherer may detain and prevent from passing through his gate any person or persons subject to the payment of toll until they shall have paid the toll allowed as aforesaid.

SEC. 19. No toll shall be collected at any gate of any company incorporated under this act in either of the following cases:

FIRST. From any person passing to or from public worship or a funeral.

SECOND. From any person going for a physician, nor from troops in the service of the State, or of the United States.

THIRD. Nor from ministers of the gospel.

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SEC. 20. Such road shall be constructed by the president and directors thereof not less than sixteen feet wide, and with a good substantial foundation.

SEC. 21. The corporations named in this act shall have the right to meet according to the provisions hereof, and make and adopt such by-laws, rules and regulations as they may deem expedient for the transaction of any business required by them in the construction and keeping in repair such turnpike road, or for any other matter connected with their business not inconsistent with the provisions contained in this act.

SEC. 22. Any turnpike company organized under the provisions of this act, after having surveyed and located the line of their road, shall, in all cases where such company fails to obtain by agreement with the owners of the fee of lands through which such line of road is or may be located the right of way over the same, apply to the Circuit Court of the County in which such land is located, by petition, to have the damages for such right-of-way assessed, giving the owners of such lands at least ten days notice in writing of the time and place where such petition will be heard, *Provided*, That if the owner or owners of such land be non-resident of the State, infants or persons of unsound minds, such notice shall be given by the publication in any newspaper in said County which is authorized by law to publish legal notices, which notice shall be published for the same length of time as is or may be required in other civil cases. If there be no such newspaper published in the County, then said publication shall be made in some such newspaper designated by the Circuit Clerk, and one written or printed notice thereof posted on the door of the court house of such County.

SEC. 23. In all cases of infants or persons of unsound mind, when no legal representative or guardian appears in their behalf at the hearing, it shall be the duty of the Court to appoint a guardian *ad litem*, who shall represent their interest for all purposes.

SEC. 24. That this take effect from and after its passage.

Approved March 25, 1891.

ACT LXVIII.

AN ACT to Quiet Tax Titles in Certain Cases.

SECTION

1. Quiets titles to lands sold at over-due tax sales in certain cases.
2. Conflicting laws repealed and act in force from passage;

Be it enacted by the General Assembly of the State of Arkansas:

ARTICLE I. That in all cases where lands were sold to the State of Arkansas in any County of the State, under and by virtue of a decree of the Circuit Court thereof, in a suit brought to enforce the collection of over due taxes under the provisions of an act of the General Assembly of said State entitled "An act to enforce the payment of overdue taxes," approved March 12th, 1881, and the act amendatory thereto approved March 22, 1881 and were not properly certified under said act and decree to the Commissioner of State Lands before the first day of January, 1891, and that were at any time prior to that time redeemed by payment to the County Treasurer of the County the amount of the taxes, penalty and interest for the years for which they were condemned and sold under such over due tax decrees, or if such lands were after such condemnation and sale under decrees placed upon the tax books, and sold for the taxes of the years for which they were condemned, and sold under such decrees, and purchased by individuals at the tax sale or placed upon the tax books of the County and forfeited, and before the time of redemption expired, the taxes, interest and penalty for the years for which such lands were condemned and sold under such decrees were paid, as to all such lands the State hereby relinquishes all claim of title under such sales under such decrees, and the Commissioner of State Lands is directed to withhold the same from sale and on the production of a certificate of the County Clerk, showing such taxes, interest and penalty to have been so paid, or that such lands were sold to individuals, or that the same have been again placed upon the tax books and the said taxes, interest and penalty paid the Commissioner of State Lands shall so mark the same on his record as to show the State claims no title. If the State has made deed or deeds to

any such lands the passage of this act shall in no wise effect titles thereto.

SEC. 2. That all laws in conflict herewith be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 25, 1891.

ACT. LXIX.

AN ACT for the Support and Maintenance of the Arkansas School for the Blind.

SECTION

1. Appropriates certain sums of money for the Arkansas school for the blind.
2. Money not to be used for any other purpose than that mentioned.
3. Act in force from passage and conflicting laws repealed.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the support and maintenance of the Arkansas School for the Blind, for two years beginning April 1st, 1891, and ending March 31st, 1893, to-wit:

To pay salary of officers, teachers and employees of said school, to include both white and colored departments, and to be used under the direction of the Board of Trustees, the sum of twenty-six thousand, three hundred and ninety-two dollars (\$26,392.00.)

To pay for fire extinguishers and fire escapes, twelve hundred dollars (\$1,200.00).

To provide smoke stack for steam plant, five hundred dollars (\$500.00).

For the clothing and travelling expenses of indigent pupils, to be refunded by their respective Counties, as provided by section sixty-one hundred and fourteen (6114) of Mansfield's Digest, an amount not to exceed the average of forty dollars

per pupil per annum, the whole amount not to exceed seven thousand dollars (\$7,000.00).

To provide for the current expenses of the pupils, including food, fuel, medicine, gas, water, school books, and all necessary incidental expenses of pupils, including board for officers, teachers and employees of the institution and amount not to exceed one hundred and thirty dollars per annum for each pupil in attendance, payable monthly; the whole amount not to exceed forty-five thousand dollars (\$45,000.00.)

To pay salaries of Board of Trustees for two years, three hundred per annum, (\$600.00).

To pay for rent and to furnish house for colored department, the sum of twelve hundred dollars (\$1200.00).

SEC. 2. That no part of the money appropriated by this act for any one purpose shall be used by the Board of Trustees, or any one having charge thereof, for any other purpose than that mentioned in the several items of this act, and the Board of Trustees through its proper officers, in presenting accounts for requisition to the Auditor for the money appropriated by this act, shall state out of which special fund the money is to be paid, and for which it is to be used.

SEC. 3. That this act shall take effect and be in force from and after its passage, and all laws inconsistent herewith be, and the same are hereby repealed.

Approved March 25, 1891.

ACT LXX.

AN ACT Regulating Hawking and Peddling.

SECTION

1. Defines farm and produce peddlers.
2. Conflicting laws repealed and act in force from passage,

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. Whoever shall hereafter be engaged in the business of selling goods, wares or merchandise of any descrip-

tion, other than articles grown, produced or manufactured by such seller himself or those for whom he is employed, and who shall take in exchange therefor eggs, chickens, hides, peltry, furs, fruit, vegetables or other articles usually grown, produced or manufactured on farms, shall be known and styled "Farm and Produce Peddlers," and shall be entitled to carry on such business in this State without any tax or license therefor.

SEC. 2. That all laws in conflict herewith are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved March 25, 1891.

ACT LXXI.

AN ACT to Prevent the Sale or Giving Away of any Spirituous, Vinous, Malt or Fermented Liquors or Alcohol or any Compound or Preparation Thereof, Within Five Miles of the School House and Church in the Town of Boles, in Scott County.

SECTION

1. Prohibits the sale or giving away of intoxicants in five miles of Boles, Scott County, Arkansas, Practicing physicians excepted. Sacramental purposes.
2. Penalty for violation.
3. Act in force from passage

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter it shall be unlawful to sell or give away any spirituous, vinous, malt or fermented liquors or alcohol or any compound or preparation thereof, commonly called tonics, bitters or medicated liquors within five miles of the church and school house situated in the town of Boles, the same being in the north half of the south-east fourth of section thirty-five, township two north, range twenty-nine west, in Scott County, Arkansas, *Provided*, That this act shall not apply to any regular practicing physician who shall furnish or give spirituous liquors to his patients under his immediate direction, *Provided further*, That before any such physician shall use any spirituous, vinous or malt liquors as hereinbefore pro-

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vided he shall file in the office of the Clerk of the Circuit Court of the County the following affidavit:

"I do swear that I am a regular licensed physician and that I will not furnish or give to any one any spirituous, vinous, malt or fermented liquors or alcohol unless I am satisfied the same is necessary to the treatment of the disease under which such person is at the time suffering or for sacramental purposes."

SEC. 2. Any person who shall violate the provisions of this act, shall for every offense, upon conviction be fined in any sum not less than fifty dollars, or more than one hundred dollars, and each separate act of sale or giving away shall constitute a separate offense. *Provided*, This act shall not include wine for sacramental purposes.

SEC. 3. This act take effect and be in force from and after its passage.

Approved March 25, 1891.

ACT LXXII.

AN ACT to Amend the Third Subdivision of Section 5596 of Mansfield's Digest.

SECTION

1. Amends third subdivision of section 5596 of Mansfield's Digest. Excepts theatres and opera houses.
2. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the third sub-division of section 5596 of Mansfield's Digest, be amended so as to read as follows:

THIRD, The sum of five dollars for each and every public exhibition given by any person or persons in any County in this State, any part of the proceeds which is for his or her personal profit, *Provided*, That this section shall not apply to theatres and opera houses in the cities of the first and second class, and incorporated towns where no liquor is sold by the management or on the premises. *Provided further*, That in cities of

ten thousand inhabitants and over the license for theatres and opera houses, where no liquor is sold on the premises, shall be two hundred and fifty dollars a year, for county purposes, *Provided further*, That the exceptions in this act shall not be construed to apply to what are generally known as theatres comique or variety theatres.

SEC. 2 This act shall take effect and be in force from and after passage.

Approved March 26, 1891.

ACT LXXIII.

AN ACT to Amend and Supplement an Act to Regulate the Elections in the State of Arkansas, Approved March 5th, 1891.

SECTION

1. Amends section 29 of an act entitled "An Act to regulate the elections in the State of Arkansas," approved March 5, 1891. Delivery of poll books and tickets.
2. Amends section 41. Form of ballot.
3. Time of appointment of County Election Commissioners.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 29 of an act entitled "An act to regulate the elections in the State of Arkansas," approved March 5th, 1891, be amended so as to read as follows:

SEC. 29. At least three days before each election, the County Election Commissioners shall deliver to the Sheriff one hundred and fifty ballots for each fifty or fraction of fifty electors in each township or ward of a city, or incorporated town in the County, and the said Sheriff is hereby required to deliver such ballots to the judges of election at the same time and in the same manner that he is required by section 9 of the act to which this is amendatory and supplemental, to deliver the poll books and ballot boxes, *Provided*, That when the Sheriff is a candidate at any election the said ballots shall be delivered to the person, or one thereof appointed in his stead as provided in section eight of the act to which this is amendatory and supplemental.

SEC. 2. That section 41 be amended so as to read as follows:

SEC. 41. The County Election Commissioners shall prepare the ballots provided for under this act in accordance with the following form: except the order in which the several offices to be filled are stated, namely:

OFFICIAL BALLOT Election _____ 189_____

Cross out or scratch off the names of all persons except those for whom you wish to vote.

GOVERNOR. Vote for one.

John Smith Dem.

William Jones Rep.

Henry Fisher Ind.

Secretary of State. Vote for one.

Thomas Moore Rep.

William King Ind.

James Sinclair Dem.

Auditor of State. Vote for one.

William Miller Dem.

John Pope Rep.

Thomas Andrews Ind.

For Sheriff. Vote for one.

Thomas Jones Dem.

James White Ind.

George Smith Rep.

For Representative. Vote for two.

John Doe Dem.

Richard Roe Dem.

Hiram Smith Ind.

Henry Jones Ind.

William Carter Rep.

Nathan Hardy Rep.

SEC. 3. The State Board of Election Commissioners shall within sixty days after the fourth day of May, 1891, appoint within and for each County in the State the County Board of Election Commissioners provided for in section one of the said act of which this act is amendatory and supplemental to serve as such County Election Commissioners until their successors shall be appointed and qualified not more than ninety days nor less than thirty days before the next general election as provided in said act of which this act is amendatory and supplemental.

Approved March 26, 1891.

ACT LXXIV.

AN ACT to Quiet Titles.

SECTION

1. Action may be brought whether in possession or not for the purpose of quieting title.
2. All pleadings, proof and proceedings shall be had which are necessary to determine title.
3. Personal service to be had if defendant is in the jurisdiction of the court; if not then by publication.
4. Case can be opened at any time within a year after date of judgments, but title shall not be affected if property has passed to a purchaser in good faith.
5. If party against whom judgment is rendered fails to comply with provisions it shall have same effect as a conveyance.
6. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. An action may be brought and prosecuted to final decree, judgment or order, by any person or persons, whether in actual possession or not, claiming title to real estate, against any person or persons, whether in actual possession or not, who claim an adverse estate or interest therein, for the purpose of determining such estate or interest, and quieting the title to said real estate.

SEC. 2. All pleadings and proofs and subsequent proceedings shall be had in such action as may be necessary to fully settle and determine the question of title to said real estate between the parties to said action, and to decree or award the

title to the same or any part thereof, to the party entitled thereto, or to exclude therefrom any person whose claim thereto is found to be invalid; and the court may issue the appropriate order to carry such order, judgment or decree into effect.

SEC. 3. If the parties defendant be within the jurisdiction of the court before which the action is pending, service may be made as is now provided by law in actions prosecuted by ordinary proceedings. If the defendant be a non-resident of the State, or his whereabouts be unknown, and these facts be made to appear by the affidavit of the plaintiff, or his agent or attorney, then service may be made by publication as is now provided by law in cases of constructive service, or as provided in section 4987 of Mansfield's Digest.

SEC. 4. A party against whom a judgment or decree has been rendered without other service than by publication of a warning order, may at any time within one year after the date of the judgment or decree, have the same opened and be let in to defend by setting out in his petition, which shall be verified, facts, which if true, constitute a meritorious defense to the plaintiff's action; but the title to any property, the subject of the decree or judgment sought to be opened, which by it, or in consequence of it, shall have passed to a purchaser in good faith, shall not be affected by any proceedings under this section.

SEC. 5. Whenever any judgment or decree shall be rendered for a conveyance, release or acquittance in any court of this State, and the party or parties against whom the judgment or decree shall be rendered do not comply with the provisions thereof within the time named therein, or if by such judgment or decree any apparent claim or title in any party shall be decided to be invalid, the said decree or judgment shall have the same operation and effect and be as available as if a conveyance, acquittance or release had been executed by the party against whom the same is rendered; and a certified copy of said judgment or decree may be recorded in the office of

the Recorder of the County in which the lands to be effected are situated.

SEC 6. That all laws in conflict with this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 26, 1891.

ACT LXXV.

AN ACT to Authorize the Enclosing of Certain Lands on the Arkansas River in Pope County and the Establishment of the same in to a Fencing District and for Other Purposes.

SECTION

1. On petition County Court of Pope County may establish a fencing district in certain territory to be enclosed under one fence. Court to order an election for five directors.
2. Board of Directors to take an oath, organize and keep a record of proceedings: Duties of directory of board.
3. Landowners to meet annually elect directors and determine amount of taxes to be levied to maintain fence. Judge to hold election and make returns. Board to levy the taxes. County tax collector to collect and pay into county treasury. Fund to be paid out only on warrant. Fees for collecting.
4. Board of directors to have the territory enclosed under one continuous fence with all necessary gates and have supervision of same. Act does not abolish county roads.
5. Unlawful to turn any stock in the enclosure. Penalty. Act does not prevent fencing for pasturage.
6. Misdemeanor to leave any gates open and persons violating subject to damages.
7. Board of directors may view and lay out roads.
8. Misdemeanor to ride or drive over cultivated land without permission and party subject to damages.
9. No penalty can be inflicted unless fence is such as provided by chapter 79 Mansfield's Digest.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That upon a petition signed by two-thirds of the persons who are of full age, and who own lands in the following described limits, to-wit: Commencing on section line between sections thirty-two (32) and thirty-three (33) in township seven (7) north of range twenty (20), west, in Pope County, Arkansas, on the north bank of the Arkansas river, and running thence north to the northwest corner of said section thirty-three (33) thence east 80 rods, thence north 48 rods, thence south 67 1-2° east 40 rods, thence south 77 3-4° east 48 rods,

thence south 64° east 83 $1\text{-}2$ rods, thence south 56° east 96 rods, thence south 34° east 140 rods, thence south $49\text{-}2^{\circ}$ east 191 rods, thence east 102 rods, thence south 57° east 80 rods, thence south $74\text{-}2^{\circ}$ east 94 rods, thence north $86\text{-}4^{\circ}$ east 20 rods, thence south 77° east 44 rods, thence south $66\text{-}4^{\circ}$ east 18 rods, thence south $73\text{-}4^{\circ}$ east 34 rods, thence south $58\text{-}4^{\circ}$ east 120 rods, thence south $40\text{-}2^{\circ}$ east 110 rods, thence south 10° west 100 rods, thence south 8° east 52 rods, thence south $34\text{-}4^{\circ}$ east 56 rods, thence south $53\text{-}4^{\circ}$ east 126 rods, thence south $20\text{-}3\text{-}4^{\circ}$ east 26 rods, thence south 12° west 46 rods, thence south $3\text{-}2^{\circ}$ east 46 rods, thence south $18\text{-}2^{\circ}$ east 52 rods, thence south $6\text{-}4^{\circ}$ east 50 rods, thence south $9\text{-}2^{\circ}$ west 29 rods, thence south $12\text{-}3\text{-}4^{\circ}$ west 28 rods, thence south $26\text{-}3\text{-}4^{\circ}$ west 24 rods, thence south 44 rods, thence south $30\text{-}2^{\circ}$ east 20 rods, thence south $50\text{-}4^{\circ}$ east 48 rods, thence south $75\text{-}2^{\circ}$ east 134 rods, thence south 87° east 260 rods, thence north $85\text{-}2^{\circ}$ east 183 rods, thence south 50 rods to slough on the line between the southwest quarter of southeast quarter and southeast quarter of the southwest quarter of section seventeen (17) in township six (6) north of range nineteen (19) west, thence in an easterly direction along the bank of said slough to the Arkansas river, and down the bank of said river to where it is washed by the current, and they are steep, thence up the said river on the west and north bank to the point of beginning, it shall be lawful for the County Court of Pope County to make an order establishing and declaring the territory comprised in said limits or boundaries as a fencing district to be inclosed in one continuous lawful fence, and said court shall order an election to be held in said district by the owners of the lands thereof who are of full age, at a time and place to be designated by the court, for the purpose of electing five Directors. *Provided*, That notice of said election shall be given by written or printed notices posted in five conspicuous places in said district, and one on the court house door for ten days previous thereto. Said election shall be held in the same manner, as is provided

by law for the holding of State and County general elections, by three judges to be appointed by the County Court who shall select two clerks, and shall make return thereof to the County Clerk.

SEC. 2. That it shall be the duty of the persons elected as such Board of Directors as well as those of all subsequent Boards, to take an oath that they will promptly, faithfully and impartially, discharge the duties incumbent upon them as such directors, and they shall then organize by electing one of their number as president, and one as secretary, who shall keep a record of all their proceedings as such board, which shall be signed by him and attested by the president. The secretary shall also keep an account or register of all warrants that may be drawn upon the funds belonging to said district, and his books and records shall at all times be subject to the inspection of all parties concerned.

SEC. 3. That on the first Monday next preceding the one provided by law for the meeting of the County Court for levying county taxes in 1891, and in each year thereafter, the owners of lands lying in said territory who are of lawful age, and the guardians of those who are minors, shall meet at a time and place in said district, to be designated by the Board of Directors, by written or printed notices posted in five conspicuous places therein, and one on the court house door, ten day previous thereto, and elect a Board of Directors to serve for one year, or until their successors are elected and qualified, and shall also determine by ballot, the number of mills to be levied as a tax on each one dollar's worth of lands in said territory according to their assessed valuation, for the purpose of providing sufficient funds to build and maintain said common enclosure, and to defray such other expenses as may be necessary to the efficient management of the affairs of said district, said election shall be held by the directors, three of whom shall act as judges and two as clerks, and they shall make return thereof to the County Court at its first meeting, which court shall cause the assessment voted by a majority of those voting, to be extended

on the tax books, against the lands in said district, and the same shall be collected by the county tax collector in the same manner and at the same time he collects State and County taxes, and the funds arising therefrom he shall pay into the County treasury, to be paid out only on the warrant of the president countersigned by the secretary of the Board of Directors, and no warrant shall be issued unless authorized by a majority of said board in regular meeting. *Provided*, The County Collector shall receive the same rate of commission allowed by law for collecting, receiving and paying out State and County funds.

SEC. 4. That it shall be the duty of the board of directors to have said territory enclosed with one continuous lawful fence, with all necessary gates and openings, and to keep said fence and gates in good repair, and for such purposes, they may employ some competent and trusty person to superintend and keep up said fence, and drive out all stock that may be found running at large in said inclosure, said board shall determine the kind of fence to be built and maintained, the number and kind of gates or openings to be used, and the places where they shall be located, and shall have the general supervision of the fence inclosing said district, and the affairs thereof, *Provided*, That this act shall not be construed so as to abolish any county road or highway in said territory, or to prevent the establishment of new ones, that may be necessary, and there shall at all times be kept and maintained good and substantial gates, with convenient fastenings, and of sufficient width for the easy passage of wagons on all county roads, and *Provided, further*, That the banks of said river when they are steep and six feet or more in height, and washed by the current of said river so that stock cannot pass under them, and all that portion of the banks or shore of said river lying between such steep bank, may be used as a part of said common fence.

SEC. 5. That it shall be unlawful for any person to turn any kind of stock at large within said enclosure, and any person who shall turn at large any stock of any kind within said

inclosure, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five nor more than fifty dollars, and in addition to the above penalty any person who shall turn at large any stock or permit his or her stock to run at large within said inclosure, shall be liable for double the amount of damages that any person may sustain by reason of such stock running at large therein, to be recovered before any court having competent jurisdiction. *Provided*, That this act shall not be so construed as to prohibit any person from inclosing his or her land or any part thereof separately with a lawful fence and pasturing said land.

SEC. 6. That if any person or persons shall wilfully leave any gate, bars or other passway leading in to said inclosure, open or unfastened, or shall wilfully tear down or break any of said fence, or in any manner destroy or injure the same, he shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than five nor more than one hundred dollars, and shall moreover be liable for double the amount of damages done to said fence or gates or other openings, to be recovered in the name of the Board of Directors and shall also be liable in double the amount of damages, that any person owning or having the control or use of any lands within said territory may sustain by reason of said gates or other openings being left open or unfastened, or the breaking of said fence, to be recovered before any court having competent jurisdiction

SEC. 7. That whenever it shall be necessary for any person in order to reach his or her land to pass over the land of another in said district, if such person and the owner of the land over which he has to pass cannot agree as to the right-of-way and the compensation therefor, then the Board of Directors or a majority of them after notifying the owner, of the time shall meet and view the land, and lay off the right-of-way for the use of such person, and prescribe the width thereof, and shall determine the amount of compensation to be paid therefor,

and on the payment of which to the owner of the land, such person shall have the use of such right-of-way.

SEC. 8. That any person who shall ride or drive over the cultivated lands of another in said territory without first obtaining permission from the owner or person having the control or use of such land, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than one nor more than twenty-five dollars, and shall moreover be liable in trespass for double the amount of damages, which the owner or the person having the control or use of such land may sustain to be recovered before any court having competent jurisdiction.

SEC. 9. No penalty provided by this act shall be inflicted for any trespass unless at the time of act complained of the fence is shown to be such fence as is provided for by chapter 79 of Mansfield's Digest.

Approved March 26, 1891.

ACT LXXVI.

AN ACT to Improve the Sanitary Condition of the Country.

SECTION

1. Misdemeanor to throw a dead animal into a running stream of water. Penalty.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter the throwing or dragging of dead animals, or animals in a dying condition, into any running stream or other body of water in this State, shall by this act be a violation of law, and be declared a misdemeanor.

Any one violating the provisions of this act, on conviction thereof, shall be fined in any sum not less than ten dollars, nor more than fifty dollars.

Approved March 27, 1891.

ACTS OF ARKANSAS.

ACT LXXVII.

AN ACT to Authorize the Enclosing of Certain Overflowed Lands Lying on Both Sides of Little Red River in Van Buren County, and for Other Purposes.

SECTION

1. Authorizes the enclosing of certain lands in Van Buren County.
2. Owners to erect and keep fence in repair in proportion to acreage.
3. Time and place of meeting of landowners to elect fence managers; duties of fence managers.
4. Misdemeanor to turn stock in the enclosure. Penalty.
5. Owners failing to erect fence the fence managers may have same done and collect from owner.
6. Misdemeanor to leave gates open. Penalty.
7. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the owners of the lands lying in the overflowed lands on both sides of Little Red river in Van Buren County, beginning at or near the center of section twenty-two (22), township eleven (11) north, range twelve (12) west, thence north along the half mile line dividing said section to the Batesville and Dover road; thence in a westerly direction along and south of said road on the most suitable ground to the northwest corner of the southeast quarter of the northeast quarter of section thirty-five (35), township eleven (11) north, range thirteen (13) west; thence south to the northwest corner of the southeast quarter of the southeast quarter of section thirty-five (35), township eleven (11) north, range thirteen (13) west; thence easterly on most suitable ground to the foot of Sugar Loaf mountain; thence along the base of said mountain to a point opposite the place of beginning, and thence north to the place of beginning, are hereby authorized and empowered to enclose said lands under one continuous fence by placing fence on lands above overflow. *Provided*, That the said owners of said lands shall, at all times, keep a good gate with convenient fastenings on both sides of said enclosure on the Richwoods and Little Rock road; *and, Provided further*, That this act shall not be so construed as to abolish said road as a public highway.

SEC. 2. *Be it further enacted*, That it shall be the duty of the owners of said lands to erect and to keep in repair so much of

said fence as will be in proportion to the amount of acreage owed by each party within said enclosure.

SEC. 3. *Be it further enacted*, That for the purpose of ascertaining what amount of fencing each of said land owners within said enclosure shall be required to erect and keep in repair, said land owners shall meet at the town of Eglantine on the first Saturday in March, eighteen hundred and ninety-one (1891), between the hours of ten o'clock in the forenoon, and four o'clock in the afternoon and on the first Saturday in January of each succeeding year, between the said hours, and elect three of their number who shall be designated fence managers who shall take an oath to faithfully perform their duty without prejudice or favor. The said fence managers shall apportion to each of said land owners the amount of fencing that would fall to his share as provided in section two (2) of this act.

SEC. 4. *Be it further enacted*, That it shall be deemed a misdemeanor for any one to turn any stock of any kind at large in said enclosure; and any person found guilty of said act shall be fined in any sum not less than five dollars (\$5) nor more than twenty dollars (\$20), and in addition thereto shall be liable for double the damages that any one may sustain by reason of said stock running at large in said enclosure, to be recovered by action in any court having competent jurisdiction. *Provided*, That this section shall not be so construed as to prohibit any person from fencing his own land separately, or herding stock thereon, for pasturage.

SEC. 5. *Be it further enacted*, That should any owner or owners of any of said lands within said enclosure fail or refuse to erect and keep in repair the amount of fencing provided for in section three (3) of this act, then the fence managers may do, or may employ any person to do, said fencing at a fair and reasonable compensation, and if the person whose duty it was in the first place to do said fencing shall fail or refuse to pay for the same on demand, then the said fence manager may, by suit before any Justice of the Peace, or Court of competent

jurisdiction, recover judgment for the amount due or paid for said work, together with fifty per cent. penalty thereon for refusing to pay for said work, and all costs of suit, and said judgment shall operate as, and have the force and effect of, a lien on the lands of said delinquent lying in said enclosure, and may be enforced as mechanic's liens are now enforced by law.

SEC. 6. *Be it further enacted*, That it is hereby declared to be a misdemeanor for any one wilfully to leave any gate, bars or other passways leading into said enclosure open or unfastened, or to leave down any of said fence, and for every such offense the person so offending shall be fined in any sum not less than five dollars (\$5) nor more than fifty dollars (\$50).

SEC. 7. *Be it further enacted*, That all laws and parts of laws in conflict with this act are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 27, 1891.

ACT LXXVIII.

AN ACT to Fix the Salary of the County Judge of Newton County.

SECTION

1. Fixes salary of County Judge of Newton county.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the salary of the County Judge of Newton County shall be four hundred dollars (\$400.) per annum.

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed; and this act take effect and be in force from and after its passage.

Approved March 27, 1891.

ACT LXXIX.

AN ACT to amend An Act Entitled "An Act to Prohibit the Sale or Giving Away Ardent Spirits Within Three Miles of the Arkansas College, Independence County, Arkansas, Approved March 8, 1887.

SECTION

1. Prohibits sale or giving away of intoxicants within three miles of Arkansas College at Batesville, Arkansas.
2. Penalty for violation.
3. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section one (1) of an act entitled "An act to prohibit the sale or giving away of vinous or ardent spirits, within three (3) miles of the Arkansas College of Independence County, Arkansas," approved March 8, 1887, be amended so as to read as follows:

That hereafter it shall be unlawful for any person to sell or give away vinous or ardent spirits, within three miles of the Arkansas College, a chartered Institution of learning, located in the town of Batesville, Independence County, Arkansas.

SEC. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars, nor more than one hundred dollars; and that each sale shall constitute a separate offense.

SEC. 3. That all acts and parts of acts in conflict with this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 27, 1891.

ACT LXXX.

AN ACT to Repeal an act to Amend Sections 6487 and 6489 of Mansfield's Digest.

SECTION

1. Repeal the act amending sections 6487 and 6489 Mansfield's Digest. Weights and measures.
2. Conflicting laws repealed and act in force from passage.

ACTS OF ARKANSAS.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That an act entitled "An act to amend sections 6487 and 6489" (being an act requiring Clerks of Counties to procure weights and measures), approved April 4th, 1887, be, and the same is hereby repealed.

SEC. 2. That all laws or parts of laws in conflict herewith are hereby repealed and this act to be in force from and after its passage.

Approved March 27, 1891.

 ACT LXXXI.

AN ACT to Authorize a Fencing District in Crawford County Arkansas.

SECTION

1. County Court to establish a fencing district in certain territory in Crawford county on petition and give notice and order an election for five directors.
2. Duties of directors and officers.
3. Landowners to hold an election each year for directors and determine the amount of tax to be levied for maintaining fence. Manner of holding elections. Returns to be made to county court and court to levy tax. Collector to collect same and pay to county treasurer and receive usual commission. Fund to be paid out on order of directors.
4. Directors to have territory enclosed in one continuous fence with all necessary gates and keep fence and gates in repair. Act does not abolish any county road.
5. Unlawful to turn any stock into enclosure. Penalty.
6. Misdemeanor to leave any gates open or throw down any fence. Penalty.
7. Directors to view and lay out roads when owners cannot agree.
8. Misdemeanor to ride or drive over cultivated land without permission. Penalty.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That upon a petition signed by a majority of the land owners who are of age or the guardians of those who are minors and land owners, in the following described limits, to-wit:

Beginning where the line between the Counties of Franklin and Crawford crosses the Arkansas river and running up stream with the channel of said river to where the bridge of the St. Louis and San Francisco railway crosses said river, and thence east with the line of the Little Rock and Fort Smith railway to where the line of said railway crosses the line between

the counties of Franklin and Crawford, thence south with said county line to the place of beginning on the bank of the said Arkansas river. It shall be the duty of the County Court of Crawford County to make an order establishing a fencing district within the boundary comprising the said description, to be enclosed in one continuous or common fence, and said court shall order an election to be held in said district by the owners of the lands thereof, who are of full age, at a time and place to be designated by the court, for the purpose of electing five directors; *Provided*, That notice of said election shall be given by written or printed notices posted in five conspicuous places in said district, and one on the court house door for ten days previous thereto; said election shall be held in the same manner as it is provided by law for the holding of State and County elections, by three judges in each township in said district to be appointed by the County Court, who shall select two clerks and shall make returns thereof to the County Clerk.

SEC. 2. It shall be the duty of the persons elected as such board of Directors as well as those of all subsequent boards to take an oath that they will promptly, faithfully and impartially discharge the duties incumbent upon them as such directors. They shall then organize by electing one of their number as president, and one as secretary, who shall keep a record of all their proceedings as such board, which shall be signed by him and approved by the president. The secretary shall also keep an account or register of all warrants that may be drawn upon the funds belonging to said district, and his books and records shall at all times be subject to the inspection of all parties concerned.

SEC. 3. That on the first Monday in April, 1891, and the first Monday in January of each year thereafter, the owners of lands lying in said territory, who are of lawful age, and the guardians of those who are minors, shall meet at a time and place in said district designated by the board of directors by written or printed notices posted in five conspicuous places

therein, and one on the court house door previous thereto, and shall elect a board of directors to serve for one year or until their successors are elected and qualified, and shall determine by ballot the number of mills to be levied as a tax on each dollar's worth of land in said territory, according to their assessed valuation, for the purpose of providing sufficient funds to build and maintain said common enclosure; and defray such other expenses as may be necessary to the efficient management of the affairs of said district, said elections shall be held by the directors thereof, three of whom shall act as judges and two as clerks, and they shall make a return thereof to the County Court at its first meeting, which court shall cause the assessment of a majority of those voting to be extended on the tax books against the lands in said district, and the same shall be collected by the County Tax Collector in the same manner and at the same time he collects State and County taxes, and the funds arising therefrom he shall pay into the county treasurer to be paid out only on the warrant of the president, counter signed by the County Board of Directors, and no warrant shall be issued unless authorized by a majority of said board in regular meeting. *Provided*, The County Collector and Treasurer shall each receive the same rate of commission allowed by law for collecting, receiving and paying out County funds.

SEC. 4. That it shall be the duty of the Board of Directors to have said territory enclosed in one continuous lawful fence, from the town of Van Buren, on the bank of the Arkansas river running east with the line of the Little Rock and Fort Smith railway, to where said railway crosses the line between the Counties of Franklin and Crawford; thence running south to where said County line crosses the Arkansas river; said fence to have all necessary gates and openings, and to keep said fence and gates in good repair, and for such purpose they may employ some competent and trusty person or persons to superintend and keep up said fence and gates, and drive out all stock that may be found running at large in said enclosure.

Said board shall determine the kind of fence to be built, and and maintained, the number and kind of gates or openings to be used, and the places where they shall be located, and shall have the general supervision of the fence enclosing said district, and the affairs thereof; *Provided*, That this act shall not be construed so as to abolish any County road or highway within said territory, or to prevent the establishment of new ones that may become necessary; and there shall at all times be kept and maintained good and substantial gates with convenient fastenings and of sufficient width for the easy passage of wagons or other vehicles on all such County roads.

SEC. 5. That it shall be unlawful for any person to turn any kind of stock at large within said enclosure, and any one who shall turn at large any stock of any kind within said enclosure, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than fifty dollars, and in addition to the above penalty, any person who shall turn at large any stock, or permit his or her stock to run at large within said enclosure, shall be liable for double the amount of damages that any person may sustain by reason of such stock running at large therein, to be recovered by any court having competent jurisdiction thereof; *Provided*, That this act shall not be so construed as to prohibit any person from enclosing his or her land or any part thereof, or permitting it to be enclosed separately with a lawful fence, and pasturing said land.

SEC. 6. That if any person or persons shall wilfully leave any gate, bar or other passway leading into said enclosure open or unfastened, or shall wilfully tear down or break any of said fence, or in any manner destroy or injure the same, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than five nor more than one hundred dollars, and shall moreover be liable for double the amount of damage done to said fence or gate or other opening, to be recovered in the name of the Board of Directors, and shall be liable also in double the amount of damages that any person owning or having control or use of any

lands within said territory, may sustain, by reason of said gates or other openings being left open, or unfastened, or the breaking of said fence, to be recovered before any court having competent jurisdiction thereof.

SEC. 7. That whenever it shall be necessary for any person in order to reach her or his land to pass over the lands of another in said district, if such person and owner of the lands over which he has to pass cannot agree as to the right-of-way, as to the compensation therefor, and the right-of-way then the board of directors or a majority of them, after notifying the owner of the time shall meet and view the land and lay off the right-of-way for the use of said person, and prescribe the width thereof, and determine the amount of compensation to be paid therefor, upon the payment of which to the owners of the land, such person shall have the use of such right-of-way.

SEC. 8. That after person who shall ride or drive over the cultivated lands of another in said territory without first obtaining permission from the owner or person having control or use of such land, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than one nor more than twenty-five dollars, and shall moreover be liable in trespass in double the amount of damages which the owner or person having the control or use of such land may sustain, to be recovered before any court having competent jurisdiction thereof.

SEC. 9. That this act shall take effect and be in force from and after its passage.

Approved March 31, 1891.

ACT LXXXII.

AN ACT to Organize Certain Territory in Saline and Pulaski Counties into a Special School District to be Known as "The Alexander School District."

SECTION

1. Certain territory in Saline and Pulaski counties to be known as the Alexander school district.
2. The district to elect three directors at next annual school election and one annually thereafter.
3. Duties of directors. Tax to be paid into their respective county treasuries.
4. Directors to certify to the proper officers of Saline and Pulaski counties the rate of taxation. Same to be extended on tax books and collected.
5. Directors can draw warrant on the treasurer of each county.
6. Directors to make enumeration of children and make return of same to County Examiners of each county. Money to be apportioned to the district.

Be it enacted by the General Assembly of the State of Arkansas

SECTION 1. That the unincorporated town of Alexander situated on the line of Saline and Pulaski Counties and following described tracts and parcels of land lying adjacent thereto in the respective Counties of Saline and Pulaski Counties, to-wit:

East half of sections 12 and 13 and all of sections 24, 25 and 36, t. 1, s. r. 14 w. in Saline County, all of sections 5, 6, 7, 8, 17, 18, t. 1, s. r. 13 w. in Pulaski County, all of sections 19, 20, north half and s. w. quarter of section 29, all of section 30, t. 1, s. r. 13 w. in Saline County, be and the same is hereby organized into a special school district to be known and styled, "The Alexander School District."

SEC. 2. That on the day of the next annual school election after the passage of this act, the qualified electors of said district as provided in this act, shall meet in the town of Alexander, and elect from the electors of said district three directors, with the qualifications required by law, and said directors shall determine by lot among themselves their term of office, one for one year, and one for two years, and one for three years, and said district shall annually thereafter on the day of the annual school elections elect a qualified school director who shall hold his office for three years.

SEC. 3. Said school district and the directors when elected shall be governed by all existing school laws, regulating common school districts where not otherwise provided in this act, and the electors of said district shall meet in the town of Alexander on the day of the annual school elections throughout the State,

and in addition to the election of directors as provided in section 2, of this act. They shall also levy an annual tax for school purposes on all the taxable property in said districts in the manner and form provided for in the general school laws of this State. *Provided*, That any and all taxes collected from the territory embraced in this special district shall be by the collectors paid into the respective county treasuries for the benefit of said special district.

SEC. 4. Immediately after such elections and levy of taxes, the directors of said district shall meet and certify to the proper officers of the Counties of Pulaski and Saline the rate of taxation so levied, whereupon it shall be the duty of the proper officer of said Counties to extend said taxes on the tax books of said Counties, and shall collect the same as the other like taxes are collected, and shall pay the same into the County Treasury of their respective Counties for the credit of said special school district.

SEC. 5. The directors of said school district shall have power and authority to draw warrants for the legitimate purpose of said districts on the treasurer of each County.

SEC. 6. The school directors shall annually as now, or may be provided by law, make an enumeration of the children within school age in the bounds of said district and shall return to the County Examiner of Pulaski County, the number of children in that County, and likewise to the County Examiner of Saline County the number of such children in that County, and when the common school fund is annually apportioned to the several districts of the State, the same shall be apportioned to the said district by the proper authorities of each of said Counties according to the number of such children so returned in each County.

Approved March 31, 1891.

ACT LXXXIII.

AN ACT to Provide for the Improvement, Support and Maintenance of the Arkansas Industrial University, and to Amend Sections 1, 6 and 8, and to Repeal Section 7, of an Act to Re-organize the Arkansas Industrial University, Approved March 30, 1887.

SECTION

1. Appropriates the sum of \$32,000 for salaries and \$19,900 for all other purposes
2. Amends section 1 of an act to re-organize the Arkansas Industrial University, approved March 30, 1887. Appointment of directors.
3. Amends section 6 of same act Course of study.
4. Repeals section 7 of same act
5. Amends section 8 of same act. The faculty
6. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated, for the improvement, support and maintenance of the Arkansas Industrial University for two years, beginning April 1, 1891.

For Salaries, the sum of thirty-two thousand three hundred dollars (\$32,300).

For all other purposes nineteen thousand nine hundred dollars (\$19,900), itemized as follows:

To pay for student labor, seven thousand dollars (\$7000); for fuel, one thousand three hundred dollars (\$1300); for maintenance of department of biology and geology, one hundred and fifty dollars (\$150); for maintenance of mechanical department, one thousand dollars (\$1000); for maintenance of farm, five hundred dollars (\$500); to pay janitor and labor, one thousand dollars (\$1000); for postage, one hundred and fifty dollars (\$150); for painting, calcimining and general repairs to buildings, two thousand dollars (\$2000); for stationery and printing, two hundred and fifty dollars (\$250); to pay trustees and expense of board meetings, one thousand dollars (\$1000); contingent fund, one thousand dollars (\$1000); for enlargement of chemical laboratory, one thousand dollars (\$1000); for equipment of physical laboratory, five hundred dollars (\$500); for the establishment of a commercial department, one thousand five

hundred (\$1500); for three cisterns two hundred and fifty dollars (\$250); for insurance for five years, one thousand and three hundred dollars (1300).

SEC. 2. That section one (1), of "An Act to re-organize the Arkansas Industrial University," approved March 30, 1887, be amended so as to read as follows:

That the Governor of the State of Arkansas, by and with the consent of the Senate, shall appoint and there is hereby created, a board of six trustees for the Arkansas Industrial University, to be appointed one from each congressional district, to be composed of representatives of the agricultural, mechanical and literary pursuits of life as nearly as possible, who shall hold their office for the term of six years from the date of their appointment and until their successors are appointed and qualified; *Provided*, That when the first appointment is made under the provisions of this act, two members of said board shall be appointed for the term of two years, two for four years, and two for six years; and every two years thereafter two members of said board shall be appointed for the term of six years. The Governor shall be *ex-officio* president of said board, and in all cases of tie votes shall cast the deciding vote; and in his absence the board shall elect a presiding officer; *Provided*, A less number than a quorum may adjourn from time to time.

SEC. 3. That section six (6) of said act be amended so as to read as follows:

The course of study in said University shall embrace agricultural chemistry, animal and vegetable anatomy and physiology, the application of science and the mechanic arts to practical agriculture in the field, veterinary arts, entomology, rural and household economy and horticulture, practical mechanic arts as taught in the work-shops, the English language and literature, mathematics, civil engineering, philosophy, history and book-keeping, including military tactics and such other branches of study as the board of trustees may prescribe. That each male student below the sophomore class be compelled as a

part of his education to work at least two hours each school day either in the field or workshop under the direction of their respective superintendents, the labor to be paid for at such rate as may be prescribed by the board of trustees, to be applied to the board of such students. *Provided*, That any student may be allowed to do extra work with the consent of the faculty and receive pay for the same.

SEC. 4. That section seven (7) of said act be, and the same is hereby repealed.

SEC. 5. That section eight (8) of said act be amended to read as follows: The faculty of said University shall consist of a president and such professors as the board of trustees may deem necessary, whose compensation shall be fixed by the board of trustees. One of said professors shall be styled the Superintendent of Agriculture, whose duty it shall be to supervise the agricultural department, and to perform such other duties as may be necessary in order to impart a theoretical and practical knowledge of the science of agriculture to the students over whom he shall have control. One of said professors shall be styled the Superintendent of Mechanic Arts, whose duty it shall be to supervise the mechanical department, and to perform such other duties as may be necessary in order to impart to those under his care a theoretical and practical knowledge of the mechanic arts; *Provided*, The board of trustees may employ such assistants as they may deem necessary, whose compensation shall be fixed by said board of trustees; and *Provided*, That the manner of payment of all salaries shall be regulated by said board.

SEC. 6. That all laws and parts of laws not consistent with this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 31, 1891.

ACTS OF ARKANSAS.

ACT LXXXIV.

AN ACT to Amend Section 3120 of Mansfield's Digest.

SECTION

1. Amends section 3120 Mansfield's Digest. Supreme court reports.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 3120 of chapter 73 of Mansfield's Digest be and the same is hereby amended so as to read as follows; viz:

Section 3120. He shall furnish the several Clerks of the Circuit Courts, the Judges of the Circuit Courts and the Prosecuting Attorney of the several judicial districts, each with one full set of the reports of the decisions of the Supreme Court, and also with each volume of the said reports as the same may be published and bound; *Provided further*, He shall furnish to the County Clerks, of each County, where there are separate Circuit and County Clerks, one full set of said reports, and also with each volume of the said reports as the same may be published and bound.

SEC. 2. That all laws and parts of laws in conflict herewith, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 31, 1891.

ACT LXXXV.

AN ACT to Punish and Prevent Prize Fighting in the State of Arkansas.

SECTION

1. Unlawful to fight a prize fight or act as referee.
2. Felony to violate act.
3. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That it shall be unlawful for any person to fight a prize fight either with or without gloves in the State of Arkansas, and it shall be unlawful for any person to act as

second or referee at any prize fight in this State, or by otherwise participating in the same.

SEC. 2. Any person who violates the provisions of this act, shall be guilty of a felony and upon conviction be punished by imprisonment in the State Penitentiary for a period of not less than one nor more than three years.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1891.

ACT LXXXVI.

AN ACT to Prevent the Sale or Giving away of Ardent, Vinous or Malt Liquor Within Three (3) Miles of the Cotton Plant Normal School.

SECTION

1. Unlawful to sell or give away liquors within three miles of Cotton Plant Normal school. *Proviso*, Wines can be used for sacramental purposes.
2. Physicians may prescribe and furnish in their practice.
3. Penalty for violating act.
4. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter it shall not be lawful for any person to sell or cause to be sold, or give away, or cause to be given away, within three (3) miles of the site of the Cotton Plant Normal School Building, situated at the town of Cotton Plant in Woodruff County, any ardent, vinous, malt or fermented liquors, or any compound or preparation thereof, commonly called tonics, bitters or medicated liquors, in any quantity, except the same be for medical purposes as hereinafter provided. *Provided*, That nothing in this act shall preclude the use of wine for sacramental purposes, or in private families.

SEC. 2. That no person shall sell or cause to be sold, or give away, or cause to be given away, any ardent, vinous, malt or fermented liquors, or any compound or preparation thereof, commonly called tonics, bitters or medicated liquors within

three (3) miles of said school building, unless he or she is a regular practicing physician, and then only in the regular course of his, or her practice; as a necessary treatment of the patient under his or her charge, and in good faith, believing the same to be beneficial in the treatment of the disease under or from which the patient is at the time suffering.

SEC. 3. That any person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars.

SEC. 4. That all laws and parts of laws in conflict with this act, be and they are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 31, 1891.

ACT LXXXVII.

AN ACT to Prohibit the Sale, Barter, Exchange or Giving Away of Any Alcohol or Spiritous, Vinous, Malt or Intoxicating Liquors Within Five Miles of the Presbyterian Church in the Town of Columbus in Hempstead County, Arkansas.

SECTION

1. Unlawful to sell or give away liquors within five miles of the Presbyterian church at Columbus, Arkansas. *Proviso*, Grape growers may sell wines on the premises where manufactured. Physicians can prescribe liquors in their regular practice.
2. Does not prohibit wines for sacramental purposes.
3. Penalty for violating act.
4. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter it shall be unlawful for any person to sell, barter, exchange or give away any alcohol or any spirituous, ardent, vinous, malt or fermented liquors, or any compound or preparation thereof, commonly called tonics or bitters, or medicated liquors or intoxicating spirits of any character whatever, within five miles of the Presbyterian church, situated in the town of Columbus in Hempstead County, Arkansas. *Provided*, That this act shall not apply to the grow-

ers of grapes or berries who shall manufacture and sell wines wholly produced from grapes or berries of his own raising on the premises on which such grapes or berries shall have been grown, and in quantities of not less than one quart.

Any sale, barter, exchange or giving away of such wines so produced off of the premises where the grapes or berries from which such wines shall have been produced, shall be in violation of this act. *Provided*, This act shall not effect the right of regular practicing physicians, in the strict administration of medicines, in giving alcohol or whisky to the sick under their charge, at the patient's place of residence or confinement, and not at the place of business of such physician.

SEC. 2. This act shall not prohibit the use of wine for sacramental purposes.

SEC. 3. *Be it further enacted*, That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, shall for the first offense be fined in a sum not less than twenty-five (25) dollars, nor more than one hundred (100) dollars, and for the second, and all subsequent convictions under this act, the person so offending shall be fined in any sum not less than two hundred (200) dollars, and not more than five hundred (500) dollars.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 31, 1891.

ACT LXXXVIII.

AN ACT to Amend Section 2 of an "Act to Prohibit the Exportation of Fish and Game from this State," Approved April 12, 1889.

SECTION

1. Amends section 2 of "An act to prohibit the exportation of fish and game from this State" approved April 12, 1889. Certain game excepted if shipped openly.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section two (2) of an act entitled "An act to prohibit the exportation of Fish and Game from this State," approved April 12th, 1889, be amended so as to read as follows:

Section 2. It shall be unlawful for any person to export any Fish or Game from this State until April 12, 1895, and any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than twenty-five (25) nor more than fifty (50) dollars; *Provided*, That it shall not be unlawful under this act to export beaver, opossums, hares or rabbits, ground hogs or woodchucks, raccoons, squirrels, snipes or plover. *Provided*, The same shall be shipped openly.

SEC. 2. All laws and parts of laws in conflict with the provisions of this act, be and they are hereby repealed, and this act take effect and be in force from and after its passage.

Approved March 31, 1891.

ACT LXXXIX.

AN ACT to Place Crittenden and Clay Counties in the Second Judicial District.

SECTION

1. Crittenden and Clay Counties placed in the Second Judicial District.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That Crittenden and Clay Counties be and the same are hereby placed in the Second Judicial District.

SEC. 2. That all laws and parts of laws in conflict with this be, and the same are hereby repealed, and this act take effect and be in force from and after its passage.

Approved March 31, 1891.

ACT. XC.

AN ACT to Fix the Number of Members of the House of Representatives, and to Apportion the Representatives Among the Several Counties, and for Other Purposes.

SECTION

1. House of Representatives shall be composed of 100 members and apportions them to the several counties.
2. Act in force from August 31, 1901.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That from and after the first Monday in September, 1892, the House of Representatives of the State of Arkansas shall be composed of one hundred members, to be apportioned among and elected by the several counties as follows, to-wit:

Arkansas County one,
Baxter County one,
Boone County one,
Calhoun County one,
Chicot County one,
Clay County one,
Cleveland County one,
Conway County two,
Crawford County two,
Cross County one,
Desha County one,
Faulkner County one,
Fulton County one,
Grant County one,
Hempstead County two,
Howard County one,
Izard County one,
Jefferson County three,
Lafayette County one,
Lee County two,
Little River County one,
Lonoke County two,
Marion County one,

Ashley County one,
Benton County two,
Bradley County one,
Carroll County one,
Clark County two,
Cleburne County one,
Columbia County two,
Craighead County one,
Crittenden County one,
Dallas County one,
Drew County one,
Franklin County two,
Garland County two,
Greene County one,
Hot Spring County one,
Independence County two,
Jackson County one,
Johnson County one,
Lawrence County one,
Lincoln County one,
Logan County two,
Madison County one,
Miller County one,

| | |
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| Mississippi County one, | Monroe County one, |
| Montgomery County one, | Nevada County one, |
| Newton County one, | Ouachita County one, |
| Perry County one, | Phillips County two, |
| Pike County one, | Poinsett County one, |
| Polk County one, | Pope County two, |
| Prairie County one, | Pulaski County four, |
| Randolph County one, | Saline County one, |
| Scott County one, | Searcy County one, |
| Sebastian County three, | Sevier County one, |
| Sharp County one, | St. Francis County one, |
| Stone County one, | Union County one, |
| Van Buren County one, | Washington County three, |
| White County two, | Woodruff County one, |
| | Yell County two. |

SEC. 2. That this act take effect and be in force from and after the thirty-first day of August, eighteen hundred and ninety two.

Approved April 1, 1891.

ACT XCI.

AN ACT for the Relief of Certain Soldiers of the Late War Between the States.

SECTION

1. Grants pension to disabled Confederate soldiers and their widows. Fixes the amount for certain disabilities.
2. If amount appropriated is not sufficient amount to be pro rated.
3. County Judge, County Clerk and Sheriff a County Pension Board to pass on all applications for pension and certify same to State Board of Pensions.
4. County Clerk to forward certificates, application and proof to Auditor. Auditor to issue warrant.
5. Applicant to only file certificate of County Clerk with Auditor after application has been passed on.
6. Warrant not to be issued until after September 1st each year. Application must be made to procure pension.
7. Act not to repeal existing laws.
8. Auditor to provide form of application.
9. Misdemeanor to speculate in claims.
10. How warrants are to be issued and paid.
11. Auditor to send warrants to recorder of deeds. Duty of recorder of deeds.

12. Auditor to furnish recorder of deeds with list and postoffice address of pensioners.
13. Penalty for failure to perform duty.
14. State Board to prescribe rules and regulations.
15. A tax of one-fourth of one mill levied, to be kept in a separate fund. The sum of \$10,000 appropriated annually for the Confederate Home.
16. Auditor to provide column on tax books for this tax. Tax to be collected as other taxes.
17. Penalty for receiving fees from beneficiaries.
18. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. There shall be paid out of the Treasury of the State of Arkansas, on the warrant of the Auditor, to every person who has been for twelve months immediately preceding his or her application for pension a bona fide resident of this State, and who is indigent and incapacitated for manual labor by reason of a wound received while in discharge of his duty as a soldier or sailor in the service of the State of Arkansas or of the Confederate States of America, having enlisted as a soldier in said State, during the war between the States, and to the widow remaining unmarried of any deceased officer, soldier or sailor who lost his life while a citizen of this State in the Confederate service or of the Confederate States during the late war between the States, or who is now an ex-Confederate soldier who enlisted in some other State, but is now a citizen of this State, the following sums, annually, according to the degree of disability ascertained by the following grade, viz:

FIRST. To such as have received a wound which renders them totally incompetent to perform manual labor in the ordinary avocations of life, one hundred dollars per year.

SECOND. To such as have lost a leg above the knee or an arm above the elbow, seventy-five dollars per year.

THIRD. To such as have lost a foot or leg below the knee, or hand or arm below the elbow, or have a leg or arm rendered utterly useless by reason of a wound or permanent injury, fifty dollars per year.

FOURTH. To such as have lost one eye, and to all indigent widows of Confederate soldiers and sailors, remaining unmar-

ried, and all other Confederate soldiers and sailors who are otherwise disabled to perform manual labor by reason of wounds received while in the Confederate service, twenty-five dollars per year.

SEC. 2. That in case the amount appropriated by the General Assembly in any year for the purpose of paying the above allowance be insufficient to pay the same in full, then the same shall be annually apportioned pro rata among the foregoing grades, observing the gradation, so as to give the greater proportionate amount of aid to those more seriously disabled, as in this act set forth.

SEC. 3. That before any officer, soldier or sailor shall receive any part of the annual appropriation herein made, he shall, on or before the first Monday in July of each year, file with the County Court of the County wherein he resides, the Judge of which court, together with the Sheriff and the Clerk of the County Court of said County, shall constitute a Pension Board for their County, an application for relief setting forth that he is an indigent person and in detail the company and regiment or battalion in which he served at the time of receiving the wound, and whether he is receiving any aid from the State of Arkansas or from the United States for injuries received in the war between the States under any other statute providing for the relief of the maimed and blind soldiers of the State, and whether he is a citizen of the State of Arkansas, which said application shall be verified by the oath of the applicant made before any one empowered to administer oaths, and shall be accompanied by the affidavit of one or more creditable witnesses, stating that he or they verily believe the applicant to be the identical person named in the application and that the facts stated in the application are true; and when said board is satisfied with the justness of the claim made by the applicant, they shall so certify the same to the Auditor of State under their hands and the seal of the County Court of their County, which shall be impressed by the Clerk of the County Court of the County; *Provided*, That said board shall

have power to take evidence in each application to determine its justness, and, *Provided, further,* That for the services herein required of the Clerks of the County Courts, they shall receive no fees whatever, and there shall accompany said certificate so sent to the Auditor of the State, the application, affidavits and proof taken by them, which said papers shall be kept on file in the Auditor's office; and the Governor, Attorney General and Auditor shall be constituted a State Board of Pensions, and it shall be their duty to examine each case, and for this purpose they may take other testimony than that sent up by the local boards, and such as are approved by the State Board shall be paid by the Treasurer upon the warrant of the Auditor.

SEC. 4. That it shall be the duty of the Clerk of the County Court of the County where the application is filed to forward to the Auditor of the State, immediately after making the certificate as required in section 3 of this act, and before the first Monday in August, A. D., 1891, and in every year thereafter, the application and proofs and certificate, and upon the State Board of inquiry being satisfied of the proof and genuineness of the application, the Auditor shall issue his warrant on the State Treasurer for the same.

SEC. 5. After application has been once passed upon and allowed by the County and State Boards, it shall be necessary only for the applicant to file with the Auditor of State a certificate from the Clerk of the County Court of the County in which his application was originally filed, setting forth that the applicant is the identical person named in the original application which is on file in the Auditor's office, and that the applicant is alive, but still disabled, and a citizen of this State, and still entitled to the benefits of this act, which certificate may be passed upon by the State Board, upon the suggestion of a fraud, before the Auditor draws his warrant upon said certificate.

SEC. 6. That no warrant shall be issued for any sum appropriated under this act in favor of any applicant until after

the first day of September of each year. No soldier, officer, sailor or widow, as provided in section 1, shall be entitled to the benefits of this act except upon his or her own application, or, in case he or she is insane or lunatic, upon the application of his or her guardian or committee having charge of him or her as herein provided, or to any person who is at the time of filing this application drawing a pension from the United States government for injuries received in the war between the States.

SEC. 7. That this act shall not be so construed to repeal any act providing for the relief of soldiers, wounded or blind, and who do not participate in any of the benefits of this act.

SEC. 8. The Auditor of the State shall provide a form of application according to the terms of this act, and the Auditor is hereby authorized and instructed to have the same printed and sent to the recorder of deeds of the several counties of the State for the use of applicants.

SEC. 9. Any person who shall speculate or purchase for a less sum than that to which each may be entitled the claims of any soldier or sailor, or widow of a deceased soldier or sailor, allowed under the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned, or both, in the discretion of the court.

SEC. 10. That the Auditor shall issue his warrant, payable to the pensioner, or order, and such warrant shall not be paid by the public treasurer without the endorsement of the payee, or his or her duly appointed attorney in fact, specially authorized to make such endorsement; and if such endorsement is made by the payee, it shall be attested by the official signature of the Clerk of the County Court, or some Justice of the Peace of the County in which said payee resides; and if such indorsement is made by the attorney in fact of the payee, as in this section provided, a copy of the power of attorney, duly attested by the Clerk of the County Court, or a Justice of the Peace of the County in which the payee resides, shall be attached to said warrant.

SEC. 11. That the warrants for pensions shall be sent by the Auditor to the recorder of deeds of the County in which the pensioners reside, and it shall be the duty of the said recorder of deeds to acknowledge to the Auditor the receipt of said warrants by the next mail after their receipt, and the said recorder of deeds shall forthwith deliver or mail to each pensioner in his County his or her warrant, and post in the court house a list of the pensioners to whom he has mailed or delivered warrants.

SEC. 12. That the Auditor shall, as soon as the same is ascertained, transmit to the recorder of deeds of the several counties a correct list of the pensioners (with their postoffices), as allowed by the State Board of Pensions.

SEC. 13. Any officer or other person who shall neglect or refuse to discharge the duties imposed upon him by this act shall be guilty of a misdemeanor, and, upon conviction thereof in the Circuit Court, shall be fined or imprisoned, at the discretion of the court.

SEC. 14. The State Board of Pensions are hereby empowered to prescribe rules and regulations for the more certainly carrying into effect this act according to its true intent and purpose.

SEC. 15. That a tax of one-fourth (1-4) of one mill shall be, and is hereby, levied for the next two years upon all taxable property within the State of Arkansas for the purpose of carrying out the provisions of this act, the same to be kept in a separate fund, known as the pension fund; *Provided*, That ten thousand dollars of the fund thus raised shall be and is hereby appropriated annually for the erection and maintenance of a Confederate Home as is now established by the Ex-Confederate Association of Arkansas which sum shall be paid on the order of the directors of said association on presentation of the same to the Auditor of State who shall immediately draw his warrant in favor of said association for the same; *Provided*, That no inmate of the said Confederate Home shall be entitled to draw a pension as provided for in this act; *Provided further*,

That no part of the ten thousand dollars here as annually appropriated for the erection and maintenance of a Confederate Home, shall be used until said Ex-Confederate Association of Arkansas shall have conveyed to said State the lands belonging to said Ex-Confederate Association with a good and sufficient title.

SEC. 16. That the Auditor be, and he is hereby, directed to provide a column on the tax list for the year one thousand eight hundred and ninety-one, and annually thereafter, and to be called "Pensions for disabled Confederate soldiers, sailors and widows." This tax shall be collected and paid into the State Treasury by the Sheriffs as are other State taxes.

SEC. 17. That no attorney or other person shall charge exact or receive from any beneficiary under this act any fee, compensation or reward for services rendered such beneficiary in applying or securing to him or her the benefits of this act, any person violating this provision shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$25.00 nor more than \$200.00.

SEC. 18. This act shall be in force from and after its passage.

Approved April 1, 1891.

ACT XCII.

AN ACT to Authorize and Empower the School Board of the School District of Fort Smith, to Buy, Own, Lease, Control and Sell Real Estate in Said City of Fort Smith.

SECTION

1. School board of the school district of Fort Smith authorized to purchase, lease or own real estate in certain cases.
2. President and secretary to make report of sale or lease and file same in circuit court to be passed on by the court.
3. School board may adjust rentals at end of certain periods.
4. Circuit Court to keep a record of the proceedings.
5. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the school board of the school district of Fort Smith shall and is hereby authorized and empowered and required in behalf of, and for the said school district to become a purchaser at any sale hereafter made by said city of any unsold lots or real estate donated or granted by the act of Congress approved May 13, 1884, to the said city for the use and benefit of the free public schools of the single school district of said city; and hereafter to own, lease, control or sell the same, and also to become a purchaser at any sale of any property situated in said school district, on which said school district may at the time of such purchase have any lien, or in which it has any interest, whenever in the opinion of said school board it shall be deemed necessary in order to protect the interest of said school district *Provided*, That no sale of real estate, or lease thereof shall be made by said school board except at public auction, to the highest bidder, after an advertisement of twenty days in some daily newspaper, or an advertisement of four weeks in a weekly newspaper published in said city, if there be no daily newspaper published in said city giving the time, place and terms of sale; and a description of the property to be sold. *Provide also*, That all sales shall be for not less than one-third cash, and balance of purchase price shall be secured by a mortgage upon the property sold which mortgage shall not run longer than five years, at not less than eight per cent. interest, payable semi annually in advance, on first days of January and July of each year. *Provided further*, That in case of lease, the lessee shall give bond to be approved by said school board, for the prompt payment of the rental, or the amount for which said property was leased, in advance on first days of January and July of each year; *Provided also*, That no sale or lease of property by said school board shall be effectual to pass the title to said property, or lease hold therein, until said sale or lease has been reported to and approved by the Circuit Court

of Sebastian County for the Fort Smith district in the manner hereinafter provided.

SEC. 2. When said school board shall have made a sale or lease of real estate as herein before provided, the president and secretary of the board shall make full report thereof to said Circuit Court verified by affidavit; said report shall remain on file in said Court for a period of ten days before action is taken thereon by said Court during which time any citizen of Fort Smith, or said school district, may file his objections, or exceptions to said sale, and the same shall be heard by the Court; and if it shall appear that said sale or lease was not fairly or properly conducted, or that said land was sold or leased for an inadequate price, or it was not for the best interest of said school district to sell or lease the same, then said Court shall set aside said sale.

SEC. 3. In all leases of said property the school board shall reserve the right to adjust at the end of each period of five or ten years, as may be agreed upon in each particular case the rental to be paid for the ensuing period of five or ten years accordingly as said period may be agreed upon in each case.

SEC. 4. Said Circuit Court shall keep a record of all its proceedings herein.

SEC. 5. All acts and parts of acts in conflict herewith, are hereby repealed, and this act shall take effect and be in force from and after its passage

Approved April 1, 1891.

ACT XCIII.

AN ACT to Establish a Levee District in Desha County.

SECTION

1. Certain territory in Desha County created a levee district. Inspectors to be elected, qualifications of voters, manner of holding election. G. E. Buck, J. T. Sledge and A. Wynn appointed inspectors.
2. Inspectors to lay off and assign the territory.
3. Duties of County Judge and Clerk.
4. Organization of board of inspectors.
5. Treasurer and his duties.
6. Filling vacancies.
7. Inspectors may order levees built or repaired.
8. Inspectors may employ engineers or other persons.
9. Manner of letting contracts for levees.
10. Inspectors to require bond of contractors and may employ additional laborers.
11. Salary of inspectors.
12. Inspectors to have general supervision of levees. Penalty for riding or driving on prohibited levees.
13. Construction of levees, maximum.
14. Tax to be levied and collected. Inspectors to file a list of lands with County Court.
15. Inspectors to fix rate of tax and certify same to County Court. Court to make the levy. Inspectors to determine what tracts of land are subject to taxation for levy purposes.
16. Payment can be enforced. Collector to collect and pay over to treasurer of district.
17. Bond of collector increased to double the amount of levee tax. For failure to pay over funds collector may be proceeded against.
18. A jury to assess damages if party is aggrieved at location of levy. Damages how paid.
19. Inspectors may refund tax erroneously collected.
20. Injunctions against levee work or tax how issued.
21. Unlawful for hogs to run at large on public levees. Hogs found at large to be impounded.
22. Inspectors may administer oaths. Other powers.
23. Inspectors to appoint a clerk. Duties of Clerk.
24. Place of meeting. Inspectors to audit claims and keep a record of proceedings and sign same. Fees of clerk.
25. Act to be sole law on the subject except sections 1697, 1698, 1699 and 1700 Mansfield's Digest and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That Silver Lake, Red Fork, townships and that part of Old River and Wilkerson townships, south of the Arkansas river in Desha County, be and the same is hereby created into a levee district and shall be known as the Red Fork Levee District. At the first general election after the passage of this act and after every general election thereafter, the voters of said district that shall be entitled to vote under this act, elect three Inspectors for said district as hereinafter provided. That said Inspectors shall hold their offices

for two years, and until their successors shall be elected and qualified. That no person shall vote for an inspector who is not the owner of alluvial lands subject to overflows or owner of a leasehold interest in such lands for a period of not less than ten years or the owner of at least ten thousand dollars worth of stock in a corporation owning such lands. There shall be provided and kept at such voting precincts in said district a separate ballot-box, into which shall be deposited all ballots cast under and in pursuance of this act, which the said ballot-box shall be subject to the same rules and regulations and the votes cast therein, recorded, inspected and counted in every manner, and in every manner be disposed of by the same officers, and under the same restrictions as prevail with reference to the general elections for State and County officers, *Provided*, That G. E. Buck, J. T. Sledge and A. Wynn, are hereby appointed Levee Inspectors for said district, and shall hold their offices until their successors be elected and qualified, and said inspectors shall at an early date after the passage of this act, meet at Carder's store at Red Fork in said district, qualify, organize and proceed to discharge their duties as required by this act.

SEC. 2. The Board of Inspectors above named shall at their first meeting lay off and divide the territory of said district into three sub-districts, which shall be numbered one (1), two (2), three (3) respectively, and assign to each sub-district one member of said board, as its representative and inspector, and thereafter at the general elections one levee inspector for each of said sub-districts shall be elected by the voters thereof qualified to vote under this act.

SEC. 3. The County Court of said County shall at the first regular term thereof after each general election, examine and compare the election returns from the several precincts in said district, and from each levee district thereof and declare elected as inspectors the persons who may have received the highest number of votes in said sub-districts, respectively, and direct its clerk to give certificates to the persons so elected, and each

person so declared elected shall qualify by taking an oath or affirmation that he will faithfully and impartially discharge the duties of inspector as prescribed by law.

SEC. 4. Said Levee Inspectors shall at the first meeting hereunder and their successors at their first meeting after qualifying shall proceed to organize by electing one of their number, President of the Board of Levee Inspectors who shall preside at their meetings and in his absence a president pro tem. may be elected, a majority of said inspectors shall constitute a quorum. The board shall meet on the first Mondays in February, June and October of each year and at such other times as may be deemed necessary, upon the call of the president or of a majority of the inspectors, and shall have power to make such by-laws, rules and regulations for the government of the board as may be deemed best and not inconsistent with law and this act.

SEC. 5. It shall be the duty of said board to appoint a treasurer who shall hold his office during the pleasure of the board, and to whom the collector of said district, whenever called upon by him to do so, shall pay over all moneys collected by him under this act; the treasurer so appointed shall give such bond and security for the performance of his duties as may be required of him by the board.

SEC. 6. In case of death, removal, failure or refusal to qualify or other disability of any person elected or appointed inspector to discharge the duties of his office, the board of inspectors shall appoint some one in his stead, who shall hold office until the disability is removed, or until the next general election.

SEC. 7. The Board of Inspectors may at any regular or called meeting order levees to be re-built or repaired.

SEC. 8. The Board of Inspectors shall have power to employ engineers to locate and lay off levees to be built or repaired and to furnish estimates and measurements thereof, and to perform such other duties as may be required by the board, and to retain such other agents, attorneys and employes

as may be necessary to enable the board to the more effectually carry into effect the objects sought by this act, and to pay for the services of such employees by orders on the treasurer of the board to be paid out of the funds herein provided.

SEC. 9. It shall be the duty of the Board of Inspectors to let out to the lowest responsible bidder the contracts for building or repairing the levees in the district, after giving notice thereof by posting written notices at five (5) public places in the district, and such further notice as may be ordered by the board for thirty (30) days preceding the letting of such contract, *Provided*, That the board shall have power to let work in case of emergency to work upon the levee.

SEC. 10. The Board of Inspectors shall have power to require any person contracting to build or repair levees to enter into bond in such sum as it may prescribe with security, to be approved by it, conditioned for the faithful performance of the contracts; such bond shall be to the president of the board, and suit thereon for any violation of it may be brought in the Circuit Court of said district. In addition to said bond the board may reserve the right to expedite the work so let out, whenever in its judgment it shall be necessary by employing additional laborers, and deduct the cost and expense thereof from the price to be paid such contractor.

SEC. 11. Inspectors shall perform the duties herein prescribed and such other as may be fixed by the orders of the board and shall receive five dollars (\$5) per day for services so rendered, payable out of the funds herein provided.

SEC. 12. That Board of Inspectors shall have the general supervision and control over the levees in said district, and whenever, in its judgment, it shall endanger such levees, or any part thereof to permit persons to ride or drive thereon, it may prohibit any person riding or driving on such levee or any part thereof, and notice of such prohibition shall be given by posting written or printed notices on or near the section of the levee to be so protected by the prohibition

Any person who shall ride or drive upon any such levee after such order or prohibition and notice, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined for the first offense in any sum not exceeding twenty-five dollars (\$25.00), and for each subsequent offense in any sum not less than twenty-five (\$25.00) nor more than one hundred dollars (\$100.00). All fines imposed under the provisions of this act shall be paid into the treasury of the board for levee purposes.

SEC. 13. All levees built or repaired under the provisions of this act shall be of such dimensions as may be fixed by the board, and all trees, stumps and logs shall be removed from the foundation of the levee and from, muck, ditch and the surface of the foundation plowed, or otherwise properly broken.

SEC. 14. There shall be levied and collected in said district annually on all alluvial lands therein, that now are or would be benefited by levees, and which now are, or shall become taxable for State revenue, a levee tax not exceeding two (2) per centum on the assessed value thereof. That said Board of Inspectors shall ascertain in such manner as they may provide. The land in said district as are subject to tax under the provisions of this act, and cause a list thereof to be filed with the Clerk of the County Court of Desha County on or before the second Monday in October of each year, and the clerk shall extend the tax levied for said district against said lands.

SEC. 15. It shall be the duty of the Board of Inspectors at the regular October meeting to fix and determine the rate of per centage of tax necessary to be levied for the year then current, which rate or percentage shall be certified to the County Court of said County, which shall proceed to levee the rate per cent. so certified at the time and in the manner other taxes are levied; and the same shall be by the Clerk of the County extended upon the tax books of the County in a separate column to be provided for the purpose. Said board shall have the power, and it is hereby made its duty at its meeting

in October, to hear and determine all questions as to whether or not any given tract of land is legally taxable for levee purposes under the provisions of this act, and all corrections or changes made in the list of lands subject to such tax shall be certified to the County Court at the time the rate is certified.

SEC. 16. The taxes when levied shall constitute a lien and shall be collected and payment thereof enforced in same manner as taxes for State and County purposes, *Provided*, That said taxes shall be payable only in lawful money of the United States. That the collector shall make settlement with the County Clerk as in case of other taxes and shall at or before the time required by law to pay over state taxes, pay to the treasurer of said district all moneys collected by him for said district and take duplicate receipts therefor, one of which he shall file with the Clerk of said levee district, who shall charge the treasurer with said amount.

SEC. 17. The official bond of the collector of Desha County shall be increased by an amount double the sum of the taxes levied for levee purposes; and said collector shall pay over said taxes when collected to the treasurer of said Board of Inspectors, and on his failure so to do may be proceeded against by motion in the name of said treasurer as in case of failure to pay over other taxes when collected.

SEC. 18. If any person shall feel aggrieved by the running of any levee through his land he shall within ten (10) days after the levee is located give notice to the Inspector of the district who shall then notify the Sheriff to summon six land owners of the County not interested in the land through which the levee is to run, and not related to, or connected by marriage with the owner thereof, to meet at a time fixed, who shall after being duly sworn proceed to examine the premises, and after taking into consideration the advantages and disadvantages of said levee to claimant, shall award to him such damages, if any, as they may deem just and right, the finding shall be signed by the jurors and delivered to the Sheriff, and by him returned to the Board of Inspectors and entered of

record on its minutes, which finding shall be final in the premises.

The damages if any awarded shall be paid by the board out of the funds herein provided for levee purposes. The Sheriff and jurors shall be allowed the same fees as for similar services in the Circuit Court, and to be paid by the claimant if no damages are awarded, otherwise to be paid by the Board of Inspectors out of the levee fund.

SEC. 19. If in adjusting and correcting the list of lands subject to levee tax, it shall be found that taxes have been collected from lands not subject to such tax, the Board of Inspectors shall cause such taxes to be refunded.

SEC. 20. No injunction or other process shall issue to stay or suspend work on any levee, or the collection of any levee tax unless the party applying therefor shall first enter into bond with good and sufficient sureties, to be approved by the Judge or court granting same, and payable to the President of the Board of Inspectors, and his successors to office in double the estimated value of the work sought to be stayed, or the tax sought to be enjoined, conditioned for the payment of all such damages and costs as shall be sustained by granting same if wrongfully granted.

SEC. 21. It shall be unlawful for hogs to run at large upon the public levees in Desha County, and any hog found running at large on such levees shall be taken up and impounded by the constable of the township, only any person who may so find it who shall within three days report his action if such owner be known and also to the constable of the townships or to the Sheriff or his deputy, and unless the owner of such hogs shall pay all costs and take charge of his property, the officer so notified shall advertise the same for sale after ten (10) days notice thereof, and such sale shall be for cash in hand and the proceeds applied to the payment, first of all costs and charges properly arising from such seizure and sale, and the remainder if any to the owner if known, if not, to the treasurer for the benefit of the levee fund.

SEC. 22. The inspectors provided for herein are authorized and empowered to administer all oaths herein required to be taken, and generally to do and perform all other acts and things which shall be found necessary and proper to be done in carrying out and executing the powers or duties herein granted and imposed.

SEC. 23. That said board shall appoint a clerk of said district who shall execute such bond as the Board of Inspectors may require for the faithful performance of his duties. He shall keep a full and complete record of all the proceedings of the board in a well bound book to be by him provided for that purpose. He shall keep an account with the treasurer and draw his warrant on the treasurer for such sums as the Board of Inspectors may direct. That said treasurer shall only pay money upon the warrants drawn by the clerk. That said clerk shall keep a correct record of warrants drawn by him, showing in whose favor and for what amount and upon what order of the Board of Inspectors said warrants are drawn, and that said clerk shall only draw warrants upon the order of the Board of Inspectors.

SEC. 24. Said board at their first regular meeting shall fix a place for their meetings, which may be changed by them at any regular meeting, at which place the records of said district shall be kept. That said board shall by its order entered of record direct what claims shall be paid, and their clerk to issue warrants for such allowances, and said inspectors shall sign the record of their proceedings at each meeting. The clerk shall receive such fees for his services as shall be allowed by the Board of Inspectors.

SEC. 25. This act is hereby declared to be the sole law upon the subject upon which it treats for the government of said district (except sections 1697, 1698, 1699, 1700 of Mansfield's Digest) and this act shall take effect and be in force from and after its passage.

Approved April 2, 1891.

ACT XCIV.

AN ACT to Prohibit the Sale or Giving away of Spirituous, Vinous or Malt Liquors Within Five (5) Miles of the School House in Portia, Lawrence County, Arkansas

SECTION

1. Unlawful to sell or give away liquor within five miles of the school house in Portia.
2. Wines for sacramental purposes excepted. Physicians may prescribe under existing laws.
3. Penalty for violation of act.
4. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter it shall be unlawful to sell or give away any spirituous, vinous, malt or fermented liquors or any compound thereof commonly called tonics, bitters or medicated liquors, within five (5) miles of the school house situated in the town of Portia, Lawrence County, Arkansas, upon S E 1-4, N W 1-4 section (27) in township 17 north of range one west of the 5th principal meridian, and no license shall hereafter be granted to any person for sale of any of said liquors within said territory.

SEC. 2. The provisions of this act shall not preclude the use of wine for sacramental purposes, nor use of alcoholic stimulants by regular physicians who fully comply with section 4526 of Mansfield's Digest, for the sick under the charge of any such physician.

SEC. 3. Any one violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars.

SEC. 4. That this act shall take effect and be in force from and after its passage.

Approved April 2, 1891.

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ACT XCV.

AN ACT to Provide for Additional Buildings at the Arkansas School for the Blind.

SECTION

1. Appropriates the sum of \$5000 for additional buildings at the Arkansas School for the Blind.
2. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the sum of five thousand dollars (\$5000) or so much thereof as may be necessary, be, and is hereby appropriated out of any money in the State treasury not otherwise appropriated for the erection of additional buildings at the Arkansas School for the Blind, to provide additional school rooms, physical culture department, and hospital.

SEC. 2. This act take effect and be in force from and after its passage.

Approved April 2, 1891.

ACT XCVI.

AN ACT to Amend Section 1 of An Act Entitled An Act to Amend Sections 6232, 6174, 6175, of Mansfield's Digest, Approved April 8, 1887.

SECTION

1. Amends section 1 of "an act to amend sections 6232, 6174, 6175 Mansfield's Digest" approved April 8, 1887. Transfer of school children.
2. Act in force from passage and conflicting laws repealed.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 1 of an act entitled an act to amend sections 6232, 6174, 6175, of Mansfield's Digest approved April 8, 1887, be amended so as to read as follows: The County Court shall have power, upon the petition of any person residing in any particular school district, to transfer the children or wards of such persons, for educational purposes, to an adjoining district in the same county or to an adjoining district in an adjoining County; *Provided*, That said petitioner shall state under oath that the transfer

is for school purposes alone. *Provided further*, That where a number of colored children or wards, not exceeding ten, reside in a particular school district, the County Court shall have power, upon the petition of any person, to transfer said colored children or wards of such person to an adjoining district in the same county, or an adjoining district in an adjoining county; and, also, where a number of white children or wards, not exceeding ten, reside in a particular school district, the County Court shall have power, upon the petition of any person, to transfer said white children or wards of such persons to an adjoining district in the same county, or an adjoining district in an adjoining county; and said transfers under the last named proviso shall not destroy the legality of such school districts, although the number of children be reduced to a number less than thirty-five persons of scholastic age; and said petitioner shall at once notify the County Examiner of the County or Counties, and the directors of both districts.

SEC. 2. That this act be in force from and after its passage, and all laws in conflict with this act are hereby repealed.

Approved April 3, 1891.

ACT XCVII.

AN ACT to Provide for the Support, Maintenance and Improvement of the Arkansas Deaf Mute Institute.

SECTION

1. Appropriates certain amounts for specific purposes.
2. Appropriations to be used only for the purpose appropriated except item 26 and 32.
3. Act in force after April 1, 1891.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the following sums of money are hereby appropriated for the support, maintenance and improvement of the Arkansas Deaf-Mute Institute, for the two years beginning April 1, 1891, and ending March 31, 1893, to-wit:

FIRST. To pay the principal, twelve hundred dollars per annum—twenty-four hundred dollars (\$2400).

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SECOND. To pay the clerk and bookkeeper, three hundred dollars per annum—six hundred dollars (\$600).

THIRD. To pay the matron, five hundred dollars per annum—one thousand dollars (\$1000).

FOURTH. To pay the assistant matron, three hundred dollars per annum—six hundred dollars (\$600).

FIFTH. To pay the housekeeper, two hundred and fifty dollars per annum—five hundred dollars (\$500).

SIXTH. To pay eight literary teachers, thirty-five hundred dollars per annum—seven thousand dollars (\$7000).

SEVENTH. To pay the teacher of articulation, five hundred dollars per annum—one thousand dollars (\$1000).

EIGHTH. To pay the teacher of drawing, five hundred dollars per annum—one thousand dollars (\$1000).

NINTH. To pay the secretary of the board of trustees, two hundred dollars per annum—four hundred dollars (\$400).

TENTH. To pay the physician, four hundred dollars per annum—eight hundred dollars (\$800).

ELEVENTH. To pay the engineer, five hundred dollars per annum—one thousand dollars (\$1000).

TWELFTH. To pay the night watchman, four hundred dollars per annum—eight hundred dollars (\$800).

THIRTEENTH. To pay the teacher of printing, five hundred dollars per annum—one thousand dollars (\$1000).

FOURTEENTH. To pay the teacher of shoemaking, four hundred dollars per annum—eight hundred dollars (\$800).

FIFTEENTH. To pay the teacher of sewing and dressmaking, two hundred dollars per annum—four hundred dollars (\$400).

SIXTEENTH. To pay the board of trustees, two hundred and sixteen dollars per annum—four hundred and thirty two dollars (\$432).

SEVENTEENTH. To pay the cook and assistant cook, four hundred and fifty dollars per annum—nine hundred dollars (\$900).

EIGHTEENTH. To pay the hostler, gardner and butcher, three hundred dollars per annum—six hundred dollars (\$600).

NINETEENTH. To pay chambermaids and dining-room waitresses, three hundred dollars per annum—six hundred dollars (\$600).

TWENTIETH. To pay one head laundress and two assistants, three hundred and sixty dollars per annum—seven hundred and twenty dollars (\$720).

TWENTY-FIRST. To pay the baker, three hundred dollars per annum—six hundred dollars (\$600).

TWENTY-SECOND. To pay the current expenses of the Institute, including food, fuel, gas, medicines, school books, postage, board of officers, and all other expenses not provided for, the sum of one hundred and twenty dollars per annum for each pupil, this sum not to exceed thirty thousand dollars (\$30,000).

TWENTY-THIRD. To pay for clothing of pupils certified by the County Judges of their respective Counties to be in indigent circumstances, two thousand dollars per annum, payable in equal payments on or after the first day of May and the first day of December in each year, for two years four thousand dollars (\$4000).

TWENTY-FOURTH. To pay the traveling expenses of pupils certified by the County Judges of their respective Counties to be in indigent circumstances, eight hundred dollars per annum for two years, sixteen hundred dollars (\$1600).

TWENTY-FIFTH. To erect and equip a steam laundry, twenty-five hundred dollars (\$2500).

TWENTY SIXTH. To erect and equip an addition to the girls' building and remodel the old portion, three thousand dollars (\$3000).

TWENTY-SEVENTH. For a printing press, paper cutter, type and other small things for the printing office, one thousand dollars (\$1000).

TWENTY-EIGHTH. For illustrative apparatus and to maintain the reading room and library, two hundred and fifty dollars (\$250).

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TWENTY-NINTH. For ordinary repairs to the buildings, seven hundred dollars (\$700).

THIRTIETH. For water supply, eight hundred dollars (\$800).

THIRTY-FIRST. For insurance, one thousand dollars (\$1000).

THIRTY-SECOND. For erecting a boiler house and chimney, purchasing and setting new boilers and steam pump, removing and resetting old boilers, extending steam heating to all of the buildings, making proper connections with boilers, and building a new and deeper sewer, three thousand dollars (\$3000).

THIRTY-THIRD. For kitchen and dining room at the colored branch, eight hundred dollars (\$800).

THIRTY-FOURTH. To pay head teacher of colored school, three hundred dollars per annum—six hundred dollars (\$600).

SEC. 2. No appropriation made for any specific purpose in section 1, shall be used for any other purpose. *Provided, The sums appropriated for items 26 and 32 may be used for either or both purposes as the board of trustees may deem best.*

SEC. 3. This act shall take effect and be in force from and after the first day of April, 1891.

Approved April 4, 1891.

ACT XCVIII.

AN ACT to Amend an Act Entitled "An Act to Prohibit the Sale or Giving Away of Intoxicating Liquors Within Five Miles of the District School House of School District Number Thirty-two (32), Situated in the Town of Morrilton, Conway County, Arkansas."

SECTION

1 Amends section 1 of "An act to prohibit the sale or giving away intoxicating liquors within five miles of district school house at Morrilton." Extend limit to ten miles.

2 Act in force from passage

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section one of an act of the General Assembly of the State of Arkansas, approved March 13, 1889, and entitled "An act to prohibit the sale or giving away of in-

toxicating liquors within five miles of the district school house, of school district number thirty-two (32), situated in the town of Morrilton, Conway County, Arkansas," be and the same is hereby amended so as to read as follows:

Section 1. That hereafter it shall be unlawful for any person to sell barter or exchange any malt, vinous, ardent or fermented liquors, or intoxicating liquors of any kind, or alcohol, or any compound or preparation of any, all or either, commonly called tonics or bitters within ten (10) miles of the "Morrilton Male and Female College," situated in the town of Morrilton, Conway County, Arkansas, and upon the southeast quarter of the northeast quarter of section nineteen (19), in township six (6) north of range Sixteen (16) west, except all of that part of said ten mile limit lying in Perry County. *Provided*, That this act shall not be construed as prohibiting the use of wine for sacramental purposes, or as precluding any regular practicing physician from prescribing and furnishing to the sick actually under his charge and treatment, alcoholic or other stimulents.

SEC. 2. This act take effect and be in force from and after its passage.

Approved April 6, 1891.

ACT XCIX.

AN ACT to Prescribe the Time of Holding the Circuit Courts in the Counties of Clay and Crittenden.

SECTION

1. Fixes time for holding circuit courts in Clay and Crittenden counties.
2. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. Circuit Courts in Clay County shall be begun and held for the Western District the first Mondays in January and August, in the Eastern District the second Monday after the first Monday in January and August, and the Circuit Court

in Crittenden County shall be begun and held on the fourteenth Mondays after the first Mondays in January and August of each year.

SEC. 2. This act to be in force and take effect from and after its passage.

Approved April 7, 1891.

ACT C.

AN ACT to Amend Section Five Thousand Nine Hundred and Ninety-nine of Mansfield's Digest.

SECTION

1. Amends section 5999 Mansfield's Digest. Salary County Judge of Clay county.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section five thousand nine hundred and ninety-nine (5999,) of Mansfield's Digest be amended so as to read as follows:

That the salary of the County and Probate Judge of Clay County shall be seven hundred dollars.

SEC. 2. That all laws and parts of laws in conflict herewith, be and the same are hereby repealed and that this act take effect and be in force from and after its passage.

Approved April 8, 1891.

ACT CI.

AN ACT to Prevent the Sale or Giving Away of Any Alcohol, Ardent, Vinous, Malt, Fermented, Spirituous or Intoxicating Liquors Within Five Miles of the Hineman University School at Monticello, Drew County, Arkansas.

SECTION

1. Unlawful to sell or give away intoxicants within five miles of Hineman University, at Monticello, Arkansas. *Proviso*, Wines for sacramental purposes excepted.
2. Practicing physicians may prescribe and furnish under certain conditions.
3. Penalty for violation.
4. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That it shall hereafter be unlawful for any person or persons, company or corporation to sell or cause to be sold, give away or cause to be given away within five miles of Hineman University school, situated on the west half of block 246 in the town of Monticello, Drew County, Arkansas, any alcohol, ardent, vinous, malt, fermented, spirituous or intoxicating liquors or any compound or preparation or compound thereof commonly called tonics, bitters or medicated liquors, or by whatsoever name the same may be known or called in any quantity or for any purpose whatsoever, excepted as hereinafter provided. *Provided*, That nothing in this act shall preclude the use of wine for sacramental purposes or in private families.

SEC. 2. *Be it further enacted*, That no person or persons, company or corporation shall sell or cause to be sold, give away or cause to be given away any alcohol, ardent, vinous, malt or fermented, spirituous or intoxicating liquors, or any compound or preparation thereof commonly called tonics, bitters medicated liquors, or by whatever name the same may be called or known within five miles of said public school house, unless he be a regular practicing physician duly qualified as such under the laws of this State, and not then unless he has signed and sworn to an affidavit before the Clerk of the Circuit Court of Drew County, and shall have the same duly filed with said Clerk, which affidavit shall be in the following form to-wit: "I _____ do solemnly swear or (affirm) that I am a regular practicing physician duly qualified as such under the laws of Arkansas, and that I will not prescribe, sell or give away or cause to be given away any vinous, ardent, malt, fermented or intoxicating liquors, or any compound or preparation thereof commonly called tonics or bitters, medicated liquors or by whatsoever name the same may be called or known unless it be for actual medical purposes, and not then unless I believe the quantity given or prescribed will be necessary in the proper treatment of the disease from which the patient under my charge is at the time suffering.

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SEC. 3. *Be it further enacted*, That any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, for each offense, shall be fined in any sum not less than two hundred nor more than five hundred dollars.

SEC. 4. That this act shall take effect and be in force from and after passage.

Approved April 8, 1891.

ACT CII.

AN ACT to Fix the Salary of the County and Probate Judge of Cleveland County.

SECTION

1. Fixe salary of the County Judge of Cleveland county.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the salary of the County and Probate Judge of Cleveland County be and the same is hereby fixed at six hundred and fifty dollars (\$650.00) per annum.

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved April 8, 1891.

ACT CIII.

AN ACT to Amend Section 12, of An Act Entitled "An act Establishing a Court of Common Pleas in the Counties Therein Named Approved Dec. 14, 1875."

SECTION

1. Amends section 12 of "An act establishing a Court of Common Pleas in the counties therein named," approved December 14, 1875. Clerk of the County Court, Clerk of the Court of Common Pleas.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 12 of an act entitled "An act establishing a Court of Common Pleas in the Counties therein named," approved Dec. 14, 1875 be amended so as to read as follows:

Section 12. That the Clerk of the County Court of each of said Counties shall be ex-officio Clerk of the court of Common Pleas, and shall be entitled to the same fees as are allowed by law for similar services in the Circuit Courts.

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed and this act take effect and be in force from and after its passage.

Approved April 8, 1891.

ACT CIV.

AN ACT to Regulate the Distribution of the Geological Reports of the State.

PREAMBLE

Cites the existence of a large number of reports of the State Geologist.

SECTION

1. Fixes number of copies to be distributed to various parties therein named.
2. Residue to remain in State Library for sale.
3. Act in force from passage.

WHEREAS, There remains in the State Library, a large number of the Geological reports of 1888, and

WHEREAS, A much greater number is now in the hands of the Public Printer and will soon be issued, and

WHEREAS, The principal object in making a Geological survey of the State, and having the same published at a heavy cost, was to make known to scientists and capitalists, the vast mineral resources of the State, and induce an early development of the same, and

WHEREAS, Many applications for the Geological reports of State are made by the citizens of other States and Countries

desiring to invest labor and capital in developing the mineral resources of this State, Therefore,

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the Secretary of State is hereby authorized and directed to distribute the Geological reports of 1888, 1889 and 1890, as follows:

REPORT OF 1888.

To each member of the General Assembly of 1891, 2 copies.

To each State officer, 2 copies.

To the State Geologist (J. C. Branner) 100 copies.

To the Secretary of State for distribution to Scientific Institutions, Scientists and Capitalists in this and other States seeking information as to our mineral resources, 250 copies.

REPORT OF 1889 and 1890.

To each member of the General Assembly of 1891, 5 copies.

To each State officer, 5 copies.

To the State Geologist (J. C. Branner), 250 copies.

To the States and Territories, 50 copies.

To Colleges and High Schools of this State and Universities and Scientific Institutions in other States and Territories, 100 copies.

To the Secretary of State for distribution to Scientific Institutions, Scientists and Capitalists in this and other States seeking information as to our mineral resources, 350 copies.

SEC. 2. That the residue of said reports be retained in the State Library for sale, at such price as the Printing Board may fix.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved April 8, 1891.

ACT CV.

AN ACT to Amend an Act of the General Assembly of 1889, Fixing the Salary of the County Judge of Miller County, Arkansas.

SECTION

1. Fixes salary of County Judge of Miller county.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the salary of the County Judge of Miller County be and the same is hereby fixed at the sum of (\$500.00) five hundred dollars per annum.

SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed, and this act shall take effect and be in force from and after the first day of November 1892.

Approved April 8, 1891.

ACT CVI.

AN ACT to Protect Estates of Minors From Loss.

SECTION

1. Probate sales of real estate not made in compliance with law voidable.
2. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter all Probate sales of real estate, made pursuant to proceedings not in substantial compliance with statutory provisions shall be voidable.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 8, 1891.

ACT. CVII.

AN ACT to Amend Section 4537 of Mansfield's Digest.

SECTION

1. Amends section 4537 of Mansfield's Digest. Board of Trustees of Insane Asylum to make biennial reports.
2. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

That section 4537 of Mansfield's Digest be, and the same is hereby amended to read as follows:

SECTION 1. The Board of Trustees shall biennially on the first day of January make a true report of the actual condition of said Asylum to the Governor; accompanied by the biennial report of the Superintendent and Treasurer. Upon the meeting of the Legislature the Governor shall transmit said report to it.

SEC. 2. That this act shall take effect from and after its passage.

Approved April 8, 1891

ACT CVIII.

AN ACT to Amend an act Entitled 'An Act to Provide Means for the Support of the State Government and to Supply Deficiencies in the Treasury.' Approved March 23, 1885.

SECTION

1. Amends "an act to provide means for the support of the State government and supply deficiencies in the Treasury," approved March 23, 1885. Fixes rate of taxation.
2. Conflicting laws repealed and in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That an act entitled "An Act to provide means for the support of the State government and supply deficiencies in the Treasury," approved March 23, 1885, be amended so as hereafter to read as follows:

Section. 1. That hereafter for the purpose of raising a revenue to support the State government, support the charitable institutions of the State, and support the common schools, a tax shall be levied on the taxable property of this State as follows:

For defraying the general expenses of the State government including the charitable institutions of the State, and supplying deficiencies, there shall be levied for each fiscal year

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beginning on the first Monday in February, eighteen hundred and ninety-one (1891) two and one-fourth mills on the dollar; for the support of public schools, two mills on the dollar. There shall also be levied annually one dollar per capita on every male inhabitant of the State, over twenty-one years of age for common school purposes.

SEC. 2. That all acts in conflict with this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved April 8, 1891.

ACT CIX.

AN ACT to Amend An Act Entitled "An Act to Amend Section 4510 of Mansfield's Digest," Approved March 20, 1885.

SECTION

1. Amends section 4510 of Mansfield's Digest Fixes liquor license.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That an act entitled "An Act to amend section 4510 of Mansfield's Digest" approved March 20, 1885, be amended so as to read as follows:

Section 4510. Any person who shall obtain annual license as hereinbefore provided, shall pay to the collector of the County wherein such license is procured, the sum of five hundred dollars (\$500.00) as a county tax; and the sum of three hundred dollars (\$300.00) as a state tax for the general revenue fund, and two (2) per cent upon the amount paid as collector's fees, and two [dollars] (\$2.00) for each license for clerk's fees, and shall pay the same amount of tax and fees for a license for any period less than one year, but no license shall continue in force longer than the thirty-first (31st) day of December, succeeding the issuance of the same.

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SEC. 2. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved April 8, 1891.

ACT CX.

AN ACT Regulating the Issuing of Scire Facias to Revive a Judgment.

SECTION

1. *Scire facias* to issue only after ten years from date of judgment.
2. Act in force one year from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That no *scire facias* to revive a judgment shall be issued but within ten years from the date of the rendition of the judgment; or if the judgment shall have been aforesaid revived then within ten years from the order of revivor.

SEC. 2. This act shall take effect and be in force from and after one year from the date of its passage.

Approved April 8, 1891.

ACT CXI.

AN ACT to Make Appropriations for the support of the Branch Normal College of the Arkansas Industrial University for the Ensuing two Years, and for Repairs and Improvements.

SECTION

1. Appropriates certain sums for the Branch Normal of the Arkansas Industrial University.
2. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the following sums be and they are hereby appropriated out of any money in the Treasury not otherwise appropriated for the support, improvement and necessary

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repairs of the Branch Normal College of the Arkansas Industrial University, for the ensuing two years, to wit :

To pay for repairing buildings, the sum of five hundred dollars (\$500.00).

To pay teachers' salaries, the sum of eight thousand dollars (\$8,000.00)

To pay for books for library and for apparatus, five hundred dollars (\$500.00)

To pay for coal and wood, three hundred dollars (\$300.00).

To pay insurance, four hundred dollars (\$400.00).

To pay for the erection and establishment of a mechanical or agricultural department, the sum of five thousand dollars (\$5,000.00).

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved April 8, 1891.

ACT CXII.

AN ACT to Define the Lines Between the Counties of Yell and Perry.

SECTION

1. Defines the boundary lines between Yell and Perry counties.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas.

SECTION 1. That the line between the Counties of Yell and Perry be and it is hereby defined and established as follows, to wit :

Beginning at the quarter section corner between sections seventeen (17) and twenty (20) in township five (5) north in range nineteen (19) west, thence on a line as near as may be in a southwesterly direction from quarter section corner to quarter section corner until it reaches the quarter section corner on the township line between sections thirty-five (35) in township three (3) north in range twenty-two (22) west, and

section two (2) in township two (2) north in range twenty-two (22) west; thence east along said township line one and a half miles to township corner; thence south six (6) miles to southeast corner of township two (2) north in range twenty-two (22) west, to the corner of Yell, Montgomery and Perry Counties.

SEC. 2. That all laws and parts of laws in conflict with this act be and they are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved April 8, 1891.

ACT CXIII.

AN ACT to Amend Section 6171 of Mansfield's Digest.

1. Amends section 6171 of Mansfield's Digest.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 6171 of Mansfield's Digest be amended so as to read as follows:

The boundaries of school districts in Counties of this State shall be and remain as now established, except that County Courts shall have power to alter the same whenever a majority of the citizens residing therein shall petition the court so to do; but in all changes due regard shall be had to the convenience of the citizens and all the territory in the County shall be embraced in said school districts; *Provided*, That when a change is proposed in any school district notice shall be given by the parties proposing the change, by putting up hand bills in four or more conspicuous places in each district to be effected, one of said notices to be placed on the public school building in each effected district. All of said notices to be posted thirty days before the convening of the court to which they propose to present their petition, said notices shall give a geographical description of the proposed change.

SEC. 2. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed; and this act take effect and be in force from and after its passage.

Approved April 8, 1891.

ACT CXIV.

AN ACT to Amend Section 1601 of Mansfield's Digest.

SECTION

1. Amends section 1601 Mansfield's Digest. Assault with attempt to rob.
2. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 1601 of Mansfield's Digest be amended so as to read as follows:

Whoever shall feloniously, wilfully and of malice aforethought assault any person with intent to rob, and his counselors, aiders and abettors shall on conviction thereof be imprisoned in the penitentiary not less than one nor more than five years.

SEC. 2. That this act be in force and take effect from and after its passage.

Approved April 8, 1891.

ACT CXV.

AN ACT Exempting ex-Firemen from Jury Service.

SECTION

1. Ex-Firemen of seven years service exempt from jury duty.
2. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. All persons who shall have served for seven (7) years or more as active members of any fire company of any incorporated city regularly organized by the mayor and aldermen

of such city, and shall be able to exhibit a certificate signed by the president or foreman and secretary of said company, showing said fact, as it appears from the roll of said fire company, are exempted from serving as grand or petit jurors.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 8, 1891.

ACT CXVI.

AN ACT to Prohibit the Sale or Giving Away of Spirituous, Vinous, or Malt Liquors within Five Miles of Chikalah Academy, Yell County, Arkansas.

SECTION

1. Unlawful to sell or give away liquors within five miles of Chikalah Academy, in Yell County, Arkansas.
2. Wines for sacramental purposes excepted. Physicians may prescribe and furnish.
3. Penalty for violating.
4. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter it shall be unlawful to sell or give away any spirituous, vinous, or malt liquors, or any compound thereof, commonly called tonics, bitters, or medicated liquors within five miles of Chikalah Academy situated in the S. W. qr. of the N. W. qr. of section 19, township 6, N. range 21, W. in Yell County, Arkansas, and no license shall hereafter be granted to sell any of said liquors within said territory.

SEC. 2. That the provisions of this act shall not preclude the use of wines for sacramental purposes, nor the use of wines or alcoholic stimulants by regular physicians who fully comply with section 4526 of Mansfield's Digest, to the sick under the charge of any such physician.

SEC. 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty nor more than two hundred dollars.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 8, 1891.

ACT CXVII.

AN ACT to Provide for Enlarging the Insane Asylum.

SECTION

1. Board of trustees authorized to erect additional buildings at Insane Asylum. Eighty-five thousand dollars appropriated for that purpose.
2. Trustees to advertise and let contract to lowest bidder.
3. How money is to be paid out.
4. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the Board of Trustees of the Asylum for the Insane be and they are hereby directed to erect additional buildings to the present Insane Asylum, so as to provide for the accomodation of three hundred additional patients, and the sum of eighty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for that purpose.

SEC. 2. The contract for the additional buildings to the Insane Asylum shall be let by the Trustees, after due advertisement, to the lowest responsible bidder, who shall give bond for the faithful performance of his contract; *Provided*, The Trustees may reject all bids.

SEC. 3. The amount hereby appropriated shall be expended under the direction of said Board, and the Auditor shall draw his warrant on the Treasurer from time to time, in favor of the persons employed to erect such buildings, upon the certificate of the Secretary of the Board showing the amount to which such persons are entitled.

SEC. 4. This act shall take effect and be in force from and after passage.

Approved April 8, 1891.

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ACT CXVIII.

AN ACT to Fix the Time of Holding the Circuit Courts of the Third Judicial Circuit in this State.

SECTION

1. Fixes time for holding Circuit Court in Third Judicial district
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. The Circuit Courts of the Third Judicial Circuit shall be held as follows:

For Jackson County, on the first Monday in January and July of each year.

For Western District of Lawrence County, on the seventh Monday after the first Monday in January and July of each year.

For Eastern District of Lawrence County, on the ninth Monday after the first Monday of January and July of each year.

For Independence County, on the twelfth Monday after the first Monday in January and July of each year.

For Stone County, on the eighteenth Monday after the first Monday in January and July of each year.

SEC. 2. That all laws in conflict herewith be and the same are hereby repealed, and this act take effect and be in force from and after July 1st, 1891.

Approved April 8, 1891.

ACT CXIX.

AN ACT to Amend Section Four Thousand Seven Hundred and Sixty (4760) of Mansfield's Digest of the Laws of the State of Arkansas.

SECTION

1. Amends section 4760 Mansfield's Digest. Appointment of appraisers.
2. Conflicting laws repealed and act in force from passage

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section four thousand seven hundred and

sixty (4760) of Mansfield's Digest of the laws of the State of Arkansas be amended to read as follows:

"When such sales are to be made, the mortgagee, trustee or other person authorized to make the same shall, before the day fixed therefor, apply to some Justice of the Peace of the County in which the real estate is situated for the appointment of appraisers; and such justice shall thereupon appoint three disinterested householders of the County who shall take and subscribe an oath before such justice that they will well and truly view and appraise the property that may be shown them

SEC. 2. That all acts and parts of acts in conflict with this act be and the same are hereby repealed, and that this act shall take effect and be in force from and after its passage.

Approved April 8, 1891.

ACT CXX.

AN ACT to Amend Section one (1) of An Act Entitled "An Act to Better Facilitate the Adjustment of the Differences Between the State of Arkansas and the United States, Arising Under the Grant by the United States to this State of Swamp and Overflowed Lands, Under the Act of Congress Approved September 28, 1850; Approved March 17, 1885, and for Other Purposes," Approved March 19, 1887; Approved March 19, 1889.

SECTION

1. Amends section 1 of an act entitled "An act to better facilitate the adjustment of the differences between the State of Arkansas and the United States, arising under the grant of the United States to this State of swamp and overflowed lands, under an act of Congress approved September 28, 1850; approved March 17, 1885, and for other purposes," approved March 19, 1887; approved March 19, 1889. Governor appointed agent to make the settlement.
2. The sum of \$4,000 appropriated.
3. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 1 of an act entitled an act to better facilitate the adjustment of the differences between the State of Arkansas and the United States, arising under the

grant by the United States to this State of swamp and overflowed lands, under an act of Congress approved September 28, 1850; approved March 17, 1885, and the act amendatory thereof, approved March 19, 1887; approved March 19, 1889, be amended so as to read as follows:

That in order to finally and speedily determine, adjust and settle all the differences properly before the General Land Office at Washington, D. C., between the State of Arkansas and the United States now existing, or that may hereafter arise under an act of Congress entitled "An act to Enable the State of Arkansas and Other States to Reclaim the Swamp lands Within their Limits;" approved September 28, 1850, including all cases involving the indemnity due the States from the United States, being the proceeds of sales by the United States of lands which should have inured to the State under said act, or under any subsequent act of Congress, either for cash, land warrants or scrip, and also for the purpose of enabling the State to make new selections of swamp and overflowed lands, the State of Arkansas agrees and binds herself, and hereby constitutes and appoints the Governor of said State her agent with full power and authority to act for and on behalf of said State, the Secretary of the Interior, acting on behalf of the United States, agreeing and consenting thereto, to accept as final and conclusive in determining the character of such lands, the original field notes of the official survey or re-survey of such lands by the United States in all cases mentioned in the acts aforesaid, where such field notes show conclusively the naturally wet, swampy or overflowed, or the naturally non-wet, non-swampy or non-overflowed character of such lands.

SEC. 2. That the sum of four thousand (\$4,000.00) dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury not appropriated, to carry out the provisions of this act, and all sums expended under this appropriation shall be upon the voucher of the Commissioner of State Lands, approved by the Governor.

SEC. 3. That all acts or parts of acts in conflict with this act be and the same are hereby repealed, and this act take effect and be in force for and during the term of two years from and after its passage.

Approved April 8, 1891.

ACT CXXI.

AN ACT to Prohibit the Sale or Giving Away of Ardent, Vinous, Malt or Fermented Liquors Within Five (5) Miles of Pea Ridge Academy.

SECTION

1. Unlawful to sell or give away liquor within five miles of Pea Ridge Academy, in Benton county, Arkansas. Wines for sacramental purposes excepted. Physicians may prescribe and furnish.
2. Penalty for violating.
3. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That it shall be unlawful for any person or persons to sell or give away any vinous, spirituous or intoxicating liquors of any kind, or alcohol, or any compound thereof, commonly known as tonics or bitters, within five (5) miles of Pea Ridge Academy, situated on the northeast part of the northeast quarter of the northeast quarter of section thirty-six (36), township twenty-one (21), range thirty (30) west, in Benton County, Arkansas. *Provided*, That nothing in this act shall be construed as to prohibit the use of wine for sacramental purposes, or to prevent regular practicing physicians from prescribing and furnishing of alcoholic stimulants to any patient under their charge when they may deem the same to be necessary. But before any physician so prescribing and furnishing such alcoholic stimulants shall be protected against the penalties of this act, he shall file in the office of the County Clerk of the County in which he resides the affidavit set forth in section 4526 of Mansfield's Digest, under date of 1884.

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SEC. 2. Any person or persons violating the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction, in any court of competent jurisdiction, shall be fined in any sum not less than one hundred dollars.

SEC. 3. That all laws and parts of laws in conflict herewith are repealed, and this act take effect and be in force from and after its passage.

Approved April 8, 1891.

ACT CXXII.

AN ACT to Amend Section 6024 and Section 6046 of Mansfield's Digest of the Statutes of Arkansas.

SECTION

1. Amends section 6024 Mansfield's Digest. Salary County Judge of Johnson county.
2. Amends section 6046 Mansfield's Digest. Salary County Judge of Pope county.
3. Act in force November 1st, 1892 and conflicting laws repealed.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section six thousand and twenty-four of Mansfield's Digest be amended so as to read as follows:

The salary of County and Probate Judge of Johnson County shall be seven hundred dollars.

SEC. 2. That section six thousand and forty-six of Mansfield's Digest be amended so as to read as follows:

The salary of the County and Probate Judge of Pope County shall be seven hundred dollars.

SEC. 3. That this act take effect and be in force from November 1st, 1892, and that all laws in conflict with this act are hereby repealed.

Approved April 8, 1891.

ACT CXXIII.

AN ACT Making Appropriations for the Expenses of the Legislative, Executive and Judicial Departments of the State Government.

SECTION

1. Makes appropriations for the expenses of the Legislative, Executive and Judicial departments for the two years beginning April 1st, 1891, and ending March 31, 1893, as follows:

LEGISLATIVE.

FIRST Mileage, per diem and expenses of the General Assembly of 1891, \$20,000.

JUDICIAL.

SECOND. Salary Supreme Judges \$30,000. Circuit Judges \$68,000. Chancery Judge \$6,000. Prosecuting Attorneys \$6,800. Supreme Court Reporter \$4,000. Special Judges \$6,000. *Pro tempore* Prosecuting Attorneys \$5,000.

EXECUTIVE.

THIRD. Salary Governor \$6,000. Secretary of State \$3,000. Auditor \$4,500. Treasurer \$4,500. Attorney General \$3,000. Commissioner State Lands \$3,000. Superintendent Public Instruction \$3,200. Geologist \$7,000. Commissioner of Agriculture \$3,000. Prison Inspector \$3,200.

CONTINGENT EXPENSES

FOURTH. Governor's office \$2,000. Governor's mansion \$1,000. State House and grounds \$2,000. Arrest of fugitives \$5000. Postage and stationery \$5,000. Fuel and lights and engineer state house \$4,000. Copying and distributing Acts \$500. Printing and binding \$40,000. Assessor's fees \$70,000. Chaplain of the penitentiary \$200. Capitol police \$4,000.

GOVERNOR'S OFFICE

FIFTH. Private Secretary, Clerk and Janitor \$5,400.

SECRETARY OF STATE'S OFFICE

SIXTH. Deputy secretary, clerks, janitor and contingent expenses \$8,000.

AUDITOR'S OFFICE.

SEVENTH. Deputy auditor, bookkeeper, clerks, contingent expenses, cases for records and janitor \$12,290.

TREASURER'S OFFICE.

EIGHTH. Deputy treasurer, book keeper, clerks, contingent expenses, building vault for records and janitor \$2,840.

ATTORNEY GENERAL'S OFFICE.

NINTH. Clerk, contingent expenses and janitor \$2,800.

OFFICE OF COMMISSIONER OF STATE LANDS.

TENTH. Deputy commissioner, clerks, contingent expenses and janitor \$12,600.

SUPERINTENDENT OF PUBLIC INSTRUCTION'S OFFICE.

ELEVENTH. Clerk, express charges, travelling expenses and janitor \$3,580.

SUPREME COURT CLERK'S OFFICE.

TWELFTH. Salary of clerk, fees of clerk, cases for papers, shelves for books, rent of telephone, fees of sheriff, contingent expenses and janitor \$6,960.

COMMISSIONER OF AGRICULTURE'S OFFICE.

THIRTEENTH. Salary of clerk, traveling expenses, purchase and distribution of seed, exhibits and other expenses and janitor \$12,640.

PRISON INSPECTOR'S OFFICE.

FOURTEENTH. Traveling expenses and postage \$450.

STATE GEOLOGIST'S OFFICE.

FIFTENTH. Assistants, chemicals and contingent expenses \$25,000.

OTHER PURPOSES.

SIXTEENTH. Various sums for sundry purposes.

2. Makes appropriations to pay various deficits.
3. Contingent expenses to be paid on filing an itemized statement.

4. No office to contract debts beyond the appropriation, except to suppress insurrection, but itemized statement must be filed in all cases.
5. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the following named sums be and the same are hereby appropriated for the objects hereinafter expressed for the fiscal years beginning on the first day of April, 1891, and ending on the 31st day of March, 1893, to-wit:

LEGISLATIVE.

FIRST. For mileage and per diem of the members of the General Assembly and the expenses thereof, including the copying and indexing the journals of the General Assembly of 1891, twenty thousand dollars (\$20,000); *Provided*, That this appropriation shall be available for any deficit in the appropriation heretofore made for the mileage, per diem and contingent expenses of the General Assembly of 1891.

JUDICIAL DEPARTMENT.

SECOND. For salary of five Supreme Judges, thirty thousand dollars (\$30,000).

For the salary of seventeen Circuit Judges, sixty-eight thousand dollars (\$68,000).

For the salary of the Chancery Judge of the Pulaski District, five thousand dollars (\$5,000).

For salary of seventeen Prosecuting Attorneys, six thousand eight hundred dollars (\$6,800).

For salary of Supreme Court reporter, four thousand dollars (\$4,000).

For salaries of special Supreme and Circuit Judges, six thousand dollars (\$6,000).

For salaries for Prosecuting Attorneys *pro tempore*, five hundred dollars (\$500).

FOR EXECUTIVE DEPARTMENT.

THIRD. For salary of Governor, six thousand dollars (\$6,000)
For salary of Secretary of State, three thousand six hundred dollars (\$3,600).

For salary of Auditor, four thousand five hundred dollars (\$4,500).

For salary of Treasurer, four thousand five hundred dollars, (\$4,500).

For salary of Attorney General, three thousand dollars (\$3,000).

For salary of Commissioner of State Lands, three thousand six hundred dollars (\$3,600).

For salary of Superintendent of Public Instruction, three thousand two hundred dollars (\$3,200).

For salary of State Geologist, seven thousand dollars (\$7,000).

For salary of Commissioner of Agriculture, three thousand six hundred dollars (\$3,600).

For salary of prison Inspector, three thousand two hundred dollars (\$3,200).

FOR CONTINGENT EXPENSES, CLERK AND JANITOR HIRE.

FOURTH. For expense of Governor's office not otherwise provided for, two thousand dollars (\$2,000).

For rent of Governor's mansion, one thousand dollars (\$1,000.)

For care and repair of State house and grounds, two thousand dollars (\$2,000).

For rewards for arrest of fugitives from justice, five thousand dollars (\$5,000).

For postage and stationery for the use of the several State departments, five thousand dollars (\$5,000).

For fuel and lights for the State departments and pay of engineer, four thousand dollars (\$4,000).

For copying and distributing the Acts of the present General Assembly by the Secretary of State, five hundred dollars (\$500).

For printing, publishing and binding done for the State, forty thousand dollars (\$40,000).

For pay of the State's proportion of Assessor's fees for the years 1891 and 1892, seventy thousand dollars (\$70,000).

For salary of the Chaplain to the penitentiary, three hundred dollars (\$300).

For pay of Capitol or State House police, four thousand dollars (\$4,000). [To be paid upon order of the Secretary of State].

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GOVERNOR'S OFFICE.

FIFTH. For salary of Governor's private secretary and one clerk, five thousand dollars (\$5,000.)

To pay janitor for Governor's office, four hundred and eighty dollars (\$480.)

SECRETARY OF STATE'S OFFICE.

SIXTH. For salary of Deputy Secretary of State, three thousand dollars (\$3,000.)

For salaries of two clerks, four thousand eight hundred dollars (\$4,800).

For pay of janitor in office of Secretary of State three hundred and sixty dollars (\$360).

For contingent expenses, five hundred dollars (\$500).

AUDITOR'S OFFICE.

SEVENTH. For salary of Deputy Auditor, three thousand six hundred dollars (\$3,600).

For salary of bookkeeper, three thousand dollars (\$3,000).

For salary of two clerks, four thousand eight hundred dollars (\$4,800).

For contingent expenses, three hundred and fifty dollars (\$350).

For cases for records, three hundred dollars (\$300).

For pay of janitor, two hundred and forty dollars (\$240).

TREASURER'S OFFICE.

EIGHTH. For salary of Deputy Treasurer, three thousand six hundred dollars (\$3,600).

For salary of bookkeeper, three thousand dollars (\$3,000).

For salary of two clerks, four thousand eight hundred dollars (\$4,800).

For contingent expenses, five hundred dollars (\$500).

For building vault for records, eight hundred dollars (\$800).

For pay of janitor, one hundred and eighty dollars (\$180).

ATTORNEY GENERAL'S OFFICE.

NINTH. For salary of clerk, one thousand six hundred dollars (\$1,600).

For contingent expenses, one thousand dollars (\$1,000).

For pay of janitor, two hundred and forty dollars (\$240).

OFFICE OF COMMISSIONER OF STATE LANDS.

TENTH. For salary of Deputy Commissioner of State Lands, three thousand dollars (\$3,000).

For salary of four clerks, nine thousand two hundred dollars (\$9,200).

For contingent expenses, three hundred and fifty dollars (\$350).

For pay of janitor, one hundred and fifty dollars (\$150).

SUPERINTENDENT OF PUBLIC INSTRUCTION'S OFFICE.

ELEVENTH. For salary of clerk, one thousand eight hundred dollars (\$1,800).

For payment of express charges on school books, six hundred dollars (\$600).

For traveling expenses of the Superintendent of public Instruction on official business within the State, seven hundred and fifty dollars (\$750).

For contingent expenses, two hundred and fifty dollars (\$250).

For pay of janitor, one hundred and eighty dollars (\$180).

SUPREME COURT CLERK'S OFFICE.

TWELFTH. For salary of Clerk, two thousand four hundred dollars (\$2,400).

For fees of Clerk of Supreme Court, three thousand dollars (\$3,000).

For cases for papers, one hundred and fifty dollars (\$150).

For shelves for books, one hundred dollars (\$100).

For rent of telephone, one hundred and twenty dollars (\$120).

For fees for Sheriff's attendance on the Supreme Court, six hundred dollars (\$600).

For contingent expenses, one hundred and thirty dollars (\$130).

For pay of janitor for Clerk's office, Supreme Court room library and Judge's chambers (\$480).

ACTS OF ARKANSAS.

COMMISSIONER OF AGRICULTURE'S OFFICE.

THIRTEENTH. For salary of clerk or deputy, two thousand four hundred dollars (\$2,400).

For traveling expenses, purchase of seeds and distribution, collection of exhibits from the various counties, freight and express charges, publication of bulletins and crop reports, chemicals, postage and stationery, labor, etc., ten thousand dollars (\$10,000).

For pay of janitor, two hundred and forty dollars (\$240.)

PRISON INSPECTOR'S OFFICE.

FOURTEENTH. For traveling expenses and postage of the Prison Inspector, four hundred and fifty dollars (\$450.)

STATE GEOLOGIST'S OFFICE.

FIFTEENTH. For salaries of four assistants, fifteen thousand six hundred dollars (\$15,600).

For chemical and contingent expenses of the geological survey, including the actual and necessary traveling expenses of the geological corps and hire of local assistants, ten thousand dollars (\$10,000), which sum so appropriated shall be expended under the direction of the Governor, upon the certificate of the Geologist, and approved by the Governor, which certificate and approval shall alone authorize the Auditor of the State to draw his warrant upon the Treasurer for the amounts so certified and approved.

FOR OTHER PURPOSES.

SIXTEENTH. For fees of Register of United States Land Office, for furnishing lists of lands subject to taxation, five hundred dollars (\$500).

For pay of County Clerks for making out and certifying to the Commissioner of State Lands, lists of lands sold to the State for non-payment of taxes, four hundred and fifty dollars (\$450).

For pay of Recorders for recording lists of lands sold by the State for non-payment of taxes, one thousand dollars (\$1,000).

For costs in Chancery Court upon the part of the State, three thousand dollars [\$3,000].

For pay of Coroners and Jurors holding inquests on the bodies of convicts, one thousand dollars [\$1,000].

SEC. 2. That the following sums be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated to supply deficiencies in appropriations heretofore made for the expenses of the State Government, viz: Deficit to pay County Clerks for making out and certifying to the Commissioner of State Lands lists of lands sold to the State for non-payment of taxes, as follows:

R. E. Huddleston, two dollars and fifty cents [\$2.50].

J. T. Robison, two dollars and fifty cents [\$2.50].

T. J. Davidson, two dollars and fifty cents [\$2.50].

H. J. Trimble, two dollars and fifty cents [\$2.50].

B. P. Wheat, two dollars and fifty cents [\$2.50].

DEFICIT FOR BINDING DONE FOR THE STATE.

Press Printing Company:

Binding 215 volumes Annotated Reports, book No. 12.

Binding 600 volumes Annotated Reports, book No. 11.

Binding 329 volumes Annotated Reports, book No. 12.

Total, 1144 volumes at fifty cents per volume, five hundred and seventy-two dollars [\$572].

DEFICIT IN SALARIES OF PROSECUTING ATTORNEYS AND PROSECUTING ATTORNEYS PRO TEMPORE.

DeRoos Baily, one hundred and thirty-two dollars and seventy cents (\$132.70).

S. M. Johnson, eighty-three dollars and fifty-three cents (\$83.53).

T. E. Webber, fifty dollars (\$50).

Estimated unreported claims, one thousand dollars (\$1,000).

DEFICIT TO REFUND MONEY ERRONEOUSLY PAID INTO THE STATE TREASURY, AS FOLLOWS:

J. L. Eagle, five dollars and fifty cents [\$5.50].

E. M. Dunnington, twenty-five dollars [\$25].

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M. L. Hawkins, fourteen dollars and eighty-four cents (\$14.84).

J. B. Chaplain, seven dollars (\$7).

J. A. Mahan, five dollars (\$5).

G. A. J. May, seven dollars and seventy-eight cents (\$7.78).

Emily Leder, one dollar and forty-four cents (\$1.44.)

Elijah Molder, three dollars (\$3).

D. A. Thompson, eighteen dollars and eighty-nine cents (\$18.89).

Muskegon Lumber Co., five dollars and two cents (\$5.02).

W. D. Jacoway, nine dollars and sixty-six cents (\$9.66).

A. F. Camp, twelve dollars and sixty-two cents (\$12.62).

E. J. Luck, one dollar and two cents (\$1.02).

D. W. Jones, ten dollars (\$10).

C. S. Stiff, fifteen dollars (\$15).

A. H. Swanson, receiver, twenty-six dollars and twelve cents (\$26.12).

Francis Payer, eight dollars and fifteen cents (\$8.15).

R. Caldwell, fourteen dollars and sixty-five cents (\$14.65).

John Tabor, twenty-four dollars and thirty-one cents (\$24.31).

W. R. Nelson, six dollars and twenty-two cents (\$6.22).

T. K. Cox, twelve dollars and fifty-three cents (\$12.53).

J. F. Bates, three dollars and twenty-six cents (\$3.26).

S. W. Association, fifteen dollars (\$15).

DEFICIT FOR POSTAGE AND STATIONERY.

Seven hundred and fifty dollars (\$750).

DEFICIT FOR FUEL AND LIGHTS,

Six hundred dollars (\$600).

DEFICIT FOR FEES FOR SHERIFF'S ATTENDANCE ON SUPREME COURT.

Anderson Mills, two hundred and one dollars (\$201).

DEFICIT FOR EXPRESS CHARGES ON BOOKS SENT OUT BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Southern Express Company, fifty-five dollars and twenty-five cents (\$55.25).

Pacific Express Company, sixty-eight dollars and seventy-five cents (\$68.75).

DEFICIT TO PAY THE STATE'S PROPORTION OF ASSESSOR'S FEES
FOR THE YEARS 1889 AND 1890.

E. C. Beckham, Stone County, one hundred and eighty-one dollars and eighty-seven cents (\$181.87).

T. W. May, Cross County, two hundred and eighty-five dollars and twenty-five cents (\$285.25).

T. H. Hammond, nineteen dollars and twenty cents (\$19.20.)

W. S. Cottrell, Dallas County, one hundred and eighty-dollars (\$180).

Josiah Martin, Independence County, two hundred and ninety-three dollars and fifty-two cents (\$293.52).

J. S. Blackshare, Clay County, three hundred and fifty-one dollars and eighty-seven cents (\$351.87).

M. G. Peebles, Drew County, four hundred and fifty-eight dollars and fifty cents (\$458.50).

F. W. Dickson, Hempstead County, six hundred and twelve dollars and twenty-five cents (\$612.25).

J. H. Johnson, Little River County, three hundred and sixty-four dollars and eighty-seven cents (\$364.87).

Jas. Isaac, Madison County, four hundred and fifty dollars (\$450).

Paul McLean, Poinsett County, two hundred and twenty-seven dollars and twenty-five cents (\$227.25).

W. H. Satterfield, Searcy County, two hundred and forty dollars and fifty cents (\$240.50).

J. N. Whitlow, Yell County, five hundred and thirty-two dollars (\$532).

DEFICIT TO PAY CORONERS AND JURORS FOR HOLDING INQUESTS
ON THE BODIES OF CONVICTS.

Twenty-five hundred dollars (\$2,500).

SEC. 3. The appropriations herein named for "contingent expenses" for the various offices, are to be paid upon each officer filing with the Auditor an itemized statement, showing for what purpose it is to be applied.

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SEC. 4. No official of the State Government shall contract debts or issue certificates of indebtedness above the appropriations herein made, or draw, or apply, the funds herein appropriated from one item to another, except that in case of insurrection, or other emergency, the Governor may call out the militia or use other means to suppress the same. *Provided*, That nothing in this act making it necessary to file an itemized statement in the Auditor's office before drawing funds, is intended to, or does, dispense with the necessity of fully complying with all laws on that subject, but it is an additional requirement after all other laws are complied with; and, *Provided, further*, That the Auditor shall include in his regular biennial report all such itemized statements as are required by this act to be filed in his office.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 8, 1891.

ACT CXXIV.

AN ACT Fixing the Price of Mansfield's Digest and for Other Purposes.

SECTION

1. Fixes price of Mansfield's Digest.
2. Fixes price of copies of the Constitution.
3. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the price of Mansfield's Digest be and the same is hereby fixed at \$1.50 per copy. *Provided*, That the Secretary shall retain 500 copies for use of the State.

SEC. 2. That the price of the Constitutions of the State of Arkansas, 1868 and 1874, be and the same are hereby fixed at \$1.00 per copy.

SEC. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed, and that this act take effect from and after its passage.

Approved April 8, 1891.

ACT CXXV.

AN ACT to Better Protect Persons and Property upon Railroads in This State.

PREAMBLE.

Recites that railroad tracks are uninclosed and a decision of the supreme court that it is not the duty of railroads to keep an outlook.

SECTION

1. Made the duty of all persons running trains to keep a lookout.

Be it enacted by the General Assembly of the State of Arkansas:

WHEREAS, In this State the railroad tracks are mostly exposed and uninclosed, and persons and live stock are often upon the tracks and are in danger of being killed, and are injured and killed upon the track, when by a proper outlook and care on the part of those running trains such injury could be avoided; and

WHEREAS, the Supreme Court has recently decided that it is not the duty, under existing laws of the railroad companies in this State, to keep an outlook for trespassers on their tracks, whereby those who run the trains are led to neglect the precaution to keep a lookout in running the trains, and thereby great damage to persons and property are occasioned to the good people of this State, therefore

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That it is and shall be the duty of all persons running trains in this State upon any railroad, to keep a constant look-out for persons and property upon the track of any and all railroads, and if any person or property shall be killed or injured by the neglect of any employes of any railroad to keep such lookout, the company owning and operating any such railroad shall be liable and responsible to the person injured for all damages resulting from neglect to keep such outlook, and the burden of proof shall devolve upon such railroad to establish the fact that this duty has been performed.

Approved April 8, 1891.

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ACT CXXVI.

AN ACT to Improve the Teaching in the Public Schools.

SECTION

1. State Superintendent to establish Normal schools in each congressional district for white teachers and two additional Normal schools for colored teachers.
2. Superintendent to select principal, arrange programme, and formulate rules and regulations. Course of study.
3. Schools to last three months, none but teachers or those who desire to teach can attend.
4. The sum of \$2,000 per annum appropriated. How paid out.
5. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the State Superintendent of Public Instruction is hereby authorized and empowered to arrange for the establishment of six district Normal schools for the white teachers of Arkansas or for such white persons as desire to become teachers in the public schools of this State, being one for each Congressional District of the State, and two additional ones for the colored teachers at such places as may be selected by the Superintendent.

SEC. 2. That said Superintendent shall select a principal for each school, arrange a programme for its daily work and formulate such rules and regulations therefor as shall best conduce to the interest of the school and to the faithful execution of this law. The course of study shall comprise a thorough drill upon the principles of the common school branches, history and Constitution of Arkansas, and such pedagogical instruction as shall fully develop the teacher's professional, general, moral and social preparation for work in the public schools; special attention shall be given to organization, arrangement of pupils, use of text books, classification, programmes, use of school devices and apparatus, discipline, punishment and the purposes of punishment, also upon the many different methods of presenting the different subjects to be taught in the schools, having more direct reference to the rural than to the town schools.

SEC. 3. Each of said schools shall last for a consecutive term of three months of twenty days each, of each year, between the first of October and the middle of June. No one

except teachers, or such as desire to be teachers, shall be privileged to attend said schools.

SEC. 4. For the purpose of carrying this law into effect, the sum of two thousand dollars per annum for the next two years is hereby appropriated out of any moneys in the treasury not otherwise appropriated; *Provided*, That an itemized bill shall be presented by each teacher employed in these schools, together with a certificate from the Superintendent of Public Instruction, to the Auditor of State, who shall thereupon draw his warrant for the same; *Provided further*, That no part of this appropriation shall be used for any purpose other than the payment of teachers.

SEC. 5. This law shall take effect from and after its passage.

Approved April 8, 1891.

ACT CXXVII.

AN ACT to Prohibit the Sale or Giving Away of any Spirituous, Vinous, Malt or Fermented Liquors, Within Five Miles of the School House at Park in Scott County, Arkansas.

SECTION

1. Unlawful to sell liquor within five miles of the school house at Park, in Scott County, Arkansas.
2. Practicing physicians may prescribe and furnish under certain conditions.
3. Penalty for violating.
4. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter it shall be unlawful for any person to sell or give any spirituous, vinous, malt or fermented liquors or alcohol, or any compound or preparation thereof, commonly called tonics, bitters or medicated liquors, within five miles of the school house commonly known as "White Church" at Park, in Park township, in Scott County Arkansas.

SEC. 2. Nothing in this act shall prohibit regular licensed physicians from furnishing and giving any of the liquors or pre-

parations mentioned in this act to their patients when under their charge for treatment, when in their judgment the same is necessary to the treatment of the disease from which they are at the time suffering. *Provided*, Such physicians shall have filed in the office of the Clerk of the Circuit Court of the County the following affidavit: I, _____, do solemnly swear that I am a regularly licensed physician, and that I will not prescribe, sell or give any spirituous, vinous, malt or fermented liquors to any person within five miles of the school house at Park, in Scott County, Arkansas, unless the same shall in my judgment be absolutely necessary to the treatment of the disease under which the person is at the time suffering.

SEC. 3. Any person violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars, nor more than one hundred dollars, and each separate act shall constitute a separate offense.

SEC. 4. This act shall take effect from its passage.

Approved April 8, 1891

ACT CXXVIII.

AN ACT to Provide for Constructing a Sewer for the State Penitentiary and for the Removal of the Convict Cemetery.

SECTION

1. Board of Penitentiary Commissioners authorized to construct a sewer from the penitentiary to Arkansas river. The sum of \$9,000 appropriated.
2. Commissioners may allow private parties to connect with sewer on payment of such sums as commissioners may determine.
3. Commissioners authorized to buy a site for a penitentiary cemetery and remove remains of all persons buried in old cemetery. The sum of \$2,500 appropriated.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. The Board of Penitentiary Commissioners are hereby directed with all convenient dispatch after the passage of this act, to cause to be constructed and built a suitable sewer from the State Penitentiary to the Arkansas River, and

for the purpose of constructing the same, the sum of nine thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the Auditor shall draw his warrant for the same on the order or orders of said Board.

SEC. 2. Said Board are hereby authorized to provide regulations upon which private parties may connect with said sewer, *Provided however*, Before any such permits shall be granted, said parties shall pay into the State Treasury such sums as the Board shall direct, such sums to be fixed as near as practicable upon the basis which said party would have had to pay, had the sewer been constructed by an improvement district as now provided by law.

SEC. 3. The said Board is further directed to purchase a suitable site, not less than three miles from the city limits of the city of Little Rock, for a site for a convict cemetery, and shall as far as possible remove all interments now in the old cemetery, and shall inclose the new cemetery, and place the same in good condition and shall require all future interments in said new cemetery. For the purpose of purchasing said new site, and carrying out the further provisions of section three of this act, the sum of twenty-five hundred dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Approved April 8, 1891.

ACT CXXIX.

AN ACT to Prevent the Sale of Ardent or Vinous Spirits Within Three Miles of Wheatly High School in St. Francis County, Arkansas.

SECTION

1. Unlawful to sell liquors within three miles of Wheatly High School, St. Francis county, Arkansas.
2. Wines for sacramental purposes excepted and physicians may prescribe and furnish under certain conditions.

3. Penalty for violation.

4. Act in force from passage

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter it shall be unlawful for any person to sell, barter, exchange or give away any alcoholic, spirituous, ardent, vinous, malt or fermented liquors or any compound or preparation thereof commonly called tonics, bitters or medicated liquors, or intoxicating spirits of any kind which are used or drank as a beverage within three (3) miles of the "Wheatley High School" situated in the town of Wheatly in St. Francis, County, Arkansas.

SEC. 2. This act shall not be construed as to prohibit the use of wine for sacramental purposes, or to prohibit the prescribing or furnishing of alcoholic stimulants, by a regular practicing physician to the sick under his charge when he may deem the same necessary, but before such physician shall be authorized to so prescribe and furnish such alcoholic stimulants, in order to protect himself from the penalties of this act, he shall file in the office of the County Clerk, of the County in which he resides an affidavit which shall be in the following form to-wit: "I ————— do solemnly swear or affirm that I am a regular practicing physician and that I will not sell or give away or in any way furnish any spirituous, vinous, fermented or malt liquors, within the territory described in this act to any one, unless it be in my judgment a necessity in the treatment of the disease with which he or she shall be at the time afflicted.

SEC. 3. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than one hundred (\$100) dollars, and every single or separate offense is hereby declared to be a violation of this act and shall be punished accordingly.

SEC. 4. That this act shall take effect and be in force from and after passage.

Approved April 8, 1891.

ACT CXXX.

AN ACT to Accept and Assent to the Act of Congress of United States, Approved August 30, 1890, and Entitled "An Act to Apply a Portion of the Proceeds of the Public Lands to the More Complete Endowment and Support of the Colleges, for the Benefit of Agriculture and the Mechanic Arts, Established Under the Provisions of an Act of Congress, Approved July Second, Eighteen Hundred and Sixty-two.

PREAMBLE

Recites that State is entitled to receive a sum of money from the United States for support of Colleges.

SECTION

1. Accepts all sums due the State under the act of Congress.
2. How the money shall be divided.
3. State Treasurer to receive and pay out the money on order of trustees.
4. Act in force from passage.

WHEREAS, By act of Congress, approved August 30, 1890, the State of Arkansas is entitled to receive from the United States a sum of money annually, for the more complete endowment and maintenance of Colleges, for the benefit of Agriculture and the Mechanic Arts, on condition that the said donation be accepted by the Legislature and that the Legislature provide for an equitable distribution of the same between the white and colored races; therefore,

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That said donation and the sums and all sums arising and becoming due to the State of Arkansas from and under said Act, and also the provisions of said Act of Congress be, and the same are hereby accepted and assented to.

SEC. 2. *Be it further enacted,* That all sums due and becoming due the State under said Act of Congress, shall be and are hereby divided as follows:

Eight-elevenths to Arkansas Industrial University at Fayetteville, Arkansas (for whites) and three-elevenths to the Branch Normal College at Pine Bluff, Arkansas, (for colored).

SEC. 3. That the State Treasurer of the State of Arkansas is hereby authorized, and it is made his duty, under his official responsibility, to receive from the United States all sums due and becoming due the State of Arkansas under said Act, and to pay the same out upon the orders of the Boards of Trustees

of the Arkansas Industrial University and the Branch Normal College as aforesaid as provided for in section two of this act.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

ACT CXXXI.

An Act to Refund Direct Taxes Paid to the United States and for Other Purposes.

SECTION

1. Accepts from the United States the money appropriated to refund the direct tax.
2. Governor to cause the money to be paid into the State treasury and State Treasurer liable on his official bond.
3. Money to be returned to persons who paid the tax.
4. Money to be paid on presentation of the original tax receipt.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the State of Arkansas hereby accepts the sum of \$——— appropriated and the trust imposed by the United States by the law returning to the State all moneys collected in this State under the direct tax act of Congress of August 5th, 1861, in full satisfaction of all claims against the United States on account of the levy and collection of said tax and the Governor is authorized to receive said money tax for the use and purposes contained in said refunding act.

SEC. 2. That the Governor shall cause said money to be paid into the State Treasury for which the State Treasurer shall be liable on his official bond.

SEC. 3. That said money shall be returned under the direction of the Governor of this State, to the persons who paid the same to the United States, or to their assignors or legal representatives.

SEC. 4. That whenever any person shall present to the Governor the original tax receipt, certificate or other satisfactory evidence showing the payment of any money to the United States under said direct tax law, by sale or otherwise,

it shall be the duty of the Governor to direct the Auditor of State to draw his warrant on the Treasurer in favor of such person for the original amount of the tax receipt or certificate so presented or money shown to have been paid as aforesaid; and it shall be the duty of the Treasurer to pay the same out of said direct tax money.

Approved April 9, 1891.

ACT CXXXII.

AN ACT to Require all Railroad Companies Operating in this State to Set up Blackboards at all Railway Stations Within this State.

SECTION

1. Requires railroads to set up bulletin boards at every telegraph station and post time of arrival of passenger trains.
2. Penalty for violation
3. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That all railroads operating within this State be, and are hereby required to set up bulletin boards at each and every telegraph station on such railroad, and shall post on such bulletin boards the time of the arrival and departure of all-passenger trains, and if any passenger train is ten or more minutes behind time, there shall be posted on such bulletin boards as near the time such train is behind as can be ascertained.

SEC. 2. That all railroad companies failing to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction in a court of competent jurisdiction, be fined in any sum not more than one hundred dollars for each and every offense.

SEC. 3. That this act be in force from and after its passage.

Approved April 9, 1891.

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CXXXIII.

AN ACT to Compel Railroads to Drain their Road-Beds in Certain Cases.

SECTION

1. Requires railroads to drain their roadbeds in certain cases.
2. Penalty for violation.
3. Conflicting laws repealed and act in force 60 days from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. Any railroad company or corporation operating a line or lines of road, or that may hereafter construct or operate any such line or lines, shall be required, and it is hereby made the duty of any such company or corporation, to effectually drain their respective road-beds, in all cases where such lack of drainage has been produced by the construction of said road, whenever they pass a station, or within two hundred feet of a farm-house or residence, by constructing ditches or underdrains on either side of at least two hundred yards in length, and of sufficient width and capacity to carry off the water rapidly.

SEC. 2. Any railroad company or corporation, or any officer, or agent or employe of any such railroad company or corporation, who shall knowingly and wilfully violate the provisions of this act, shall be liable to pay a penalty of not less than fifty dollars for each and every offense, and costs of suit, including a reasonable attorney's fee, to be taxed by the court where the same is heard on original action, by appeal or otherwise, to be recovered by a suit at law by the party aggrieved in any court of competent jurisdiction; *Provided*, That twenty days' notice shall be given to the officer, agent or employe, as the case may be, of any violation of this act, before a cause of action shall accrue.

SEC. 3. That all laws in conflict with this act are hereby repealed, and this act shall take effect and be in force sixty days after its passage.

Approved April 9, 1891.

ACT CXXXIV.

AN ACT to Provide for the Support and Maintenance of the Arkansas State Lunatic Asylum.

SECTION

1. Appropriates sums for the various departments of State Lunatic Asylum.
2. Sums appropriated for one purpose not to be used for another purpose.
3. All money received from pay patients or from sale of stock to be paid into State treasury.
4. Act in force after April 1, 1891.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the following be and are hereby appropriated out of any money in the Treasury not otherwise appropriated, or sufficient amounts thereof for the support and maintenance of the Arkansas State Lunatic Asylum, for the term of two (2) years, beginning on the 1st day of April, 1891, and ending on the 31st day of March, 1893, to-wit:

Salary of medical superintendent for two [2] years at twenty-four hundred dollars [\$2400] per annum, four thousand eight hundred dollars [\$4800].

Salary of first assistant physician for two [2] years at twelve hundred dollars [\$1200] per annum twenty-four hundred dollars [\$2400].

Salary of second assistant physician for two [2] years at one thousand dollars [\$1000] per annum, two thousand dollars [\$2000].

Salary of apothecary for two [2] years at three hundred and sixty dollars [\$360] per annum, seven hundred and twenty dollars [\$720].

Salary of steward for two [2] years at six hundred dollars [\$600] per annum, twelve hundred dollars [\$1200].

Salary of matron for two [2] years at five hundred dollars [\$500] per annum, one thousand dollars [\$1000].

Salary of engineer for two [2] years at nine hundred dollars [\$900] per annum, eighteen hundred dollars [\$1800].

Salary of assistant engineer for two [2] years at six hundred dollars [\$600] per annum, twelve hundred dollars [\$1200].

Salary of two [2] firemen for two [2] years at two hundred and forty [\$240] each per annum, nine hundred and sixty dollars [\$960].

Salary of seamstress for two [2] years at two hundred and forty dollars [\$240] per annum, four hundred and eighty dollars [\$480].

Salary of assistant seamstress for two [2] years at one hundred and eighty dollars [\$180] per annum, three hundred and sixty dollars [\$360].

Salary of laundress for two [2] years at two hundred and forty dollars [\$240] per annum, four hundred and eighty dollars [\$480].

Salary of assistant laundress for two [2] years at one hundred and eighty dollars [\$180] per annum, three hundred and sixty dollars [\$360].

Salary of three [3] male attendants for two [2] years at three hundred dollars [\$300] each per annum, eighteen hundred dollars [\$1800].

Salary of eight [8] male attendants at two hundred and seventy dollars [\$270] each per annum, forty-three hundred and twenty dollars [\$4320].

Salary of five [5] male attendants for two [2] years at two hundred and forty dollars (\$240) each per annum, twenty-four hundred dollars (\$2400).

Salary of three (3) female attendants for two (2) years at two hundred and seventy dollars (\$270) each per annum, sixteen hundred and twenty dollars (\$1620).

Salary of six (6) female attendants for two (2) years at two hundred and forty dollars (\$240) each per annum, twenty-eight hundred and eighty dollars (\$2880).

Salary of three (3) female attendants for two (2) years at two hundred and ten dollars (\$210) each per annum, twelve hundred and sixty dollars (\$1260).

Salary of Gardener for two (2) years at three hundred dollars (\$300) per annum, six hundred dollars (\$600).

Salary of carpenter for two (2) years at four hundred and eighty dollars (\$480) per annum, nine hundred and sixty dollars (\$960).

Salary of dairyman for two (2) years at three hundred dollars (\$300) per annum, six hundred dollars (\$600).

Salary for female night watch for two (2) years at three hundred dollars (\$300) per annum, six hundred dollars (\$600).

Salary of two night watchmen for two (2) years at three hundred dollars (\$300) each per annum, twelve hundred dollars (\$1200).

Salary of baker for two (2) years at three hundred and sixty dollars (\$360) per annum, seven hundred and twenty dollars (\$720).

Salary of assistant baker for two (2) years at two hundred and forty dollars (\$240) per annum, four hundred and eighty dollars (\$480).

Salary of one (1) cook for two (2) years at three hundred and sixty dollars (\$360) per annum, seven hundred and twenty dollars (\$720).

Salary of three (3) assistant cooks for two (2) years at two hundred and forty dollars (\$240) each per annum, fourteen hundred and forty dollars (\$1440).

Salary of three (3) dining-room waiters for two (2) years at one hundred and eighty dollars (\$180) each per annum, ten hundred and eighty dollars (\$1080).

Salary of stable and stockman for two (2) years at two hundred and forty dollars (\$240) per annum, four hundred and eighty dollars (\$480).

Salary of wagoner for two (2) years at one hundred and eighty dollars (\$180) per annum, three hundred and sixty dollars (\$360).

Salary of two (2) farm hands for two (2) years at one hundred and eighty dollars (\$180) each per annum, seven hundred and twenty dollars (\$720).

Salary of four [4] chambermaids for two (2) years at one hundred and forty-four dollars (\$144) each per annum, eleven hundred and fifty-two dollars (\$1152).

Salary of ten (10) washerwomen for two (2) years at one hundred and forty four dollars (\$144) each per annum, twenty-eight hundred and eighty dollars (\$2880).

Salary of clerk and store keeper for two (2) years at three hundred and sixty dollars (\$360) per annum, seven hundred and twenty dollars (\$720).

Salary of secretary and treasurer for two (2) years at six hundred dollars (\$600) per annum, twelve hundred dollars (\$1200).

Salary and expenses of Board of Trustees for two (2) years five hundred dollars (\$500).

Office rent and expenses for secretary and treasurer, in the city, for two (2) years, two hundred and forty dollars (\$240).

Postage and stationery for two (2) years six hundred dollars (\$600).

To provide for current expenses of patients, including food, fuel, clothing, medicine, all necessary and incidental expenses of patients, together with food of officers and employes resident in the asylum, and all expenses of keeping buildings and machinery in repair one hundred and eighteen thousand dollars (\$118,000). This amount not to exceed the sum of one hundred and twenty dollars (\$120) per annum for each patient in the asylum.

SEC. 2. No part of the money appropriated for any one purpose by this act, shall be used by the Board of Trustees, or any one having charge thereof, for any other purpose than that mentioned in the several items of this act, and the Board of Trustees through its proper officers in presenting accounts or requisitions to the Auditor for the money appropriated by this act shall state out of which special appropriation the money is to come and for which it is to be used.

SEC. 3. That all money received by the Board of Trustees or the steward appointed by said board from pay patients or

from the sale of stock or other property belonging to the asylum shall be paid into the State Treasury quarterly for account of general revenue fund.

SEC. 4. That this act take effect from and after the first day of April, eighteen hundred and ninety one.

Approved April 9, 1891.

ACT CXXXV.

An ACT to Incorporate Ex-Confederate Association of Arkansas.

PREAMBLE

Recites that an ex-Confederate Association has been organized in Little Rock and gives its objects.

SECTION

1. Creates the officers and members a body politic.
2. Can have a seal, sue and be sued, implead and be impleaded and pass by-laws.
3. May hold land, but not over 500 acres.
4. Association may receive donations. *Proviso*, If donations from the State certain officers must be trustees.
5. Association may confer right to operate under this charter to similar organizations.
6. Act in force from passage.

WHEREAS, An Association of Confederate veterans has been organized in the City of Little Rock, under the title of Ex-Confederate Association of Arkansas, the object of which is declared in the by-laws of the Association to be "to relieve and assist, as far as practicable, all needy and worthy ex-Confederate soldiers, and to aid the worthy and needy widows and orphans of deceased Confederates. To maintain and perpetuate that spirit of friendship and fraternity which comes from the recollection of common dangers, hardships and trials shared on the march, in the camp and on the field of battle. To fraternize on every fitting occasion with our late adversaries, extending to them those courtesies which are due from one soldier to another, and which a common citizenship in a common government demands at our hands. To commemorate in a suitable manner and on proper occasion, the valor and heroism of our fallen comrades. To inculcate at all times the duties in-

cumbent on us as good citizens and to avoid, as an Association, everything which partakes of partisanship in either religion or politics." And,

WHEREAS, The said Association have asked at the hands of the General Assembly a charter of incorporation; therefore,

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the officers and members of the Ex-Confederate Association of Arkansas be and they are hereby created a body politic and corporate by that name.

SEC. 2. That said corporation may have a corporate seal, may sue and be sued, may implead and be impleaded, may pass by-laws not inconsistent with law.

SEC. 3. Said Association may acquire title to and hold land for the purpose of founding a home for invalid and infirm Confederate soldiers, or for the education and maintenance of the children of invalid and infirm or deceased Confederate soldiers. *Provided*, That the said Association shall not hold at any time more than five hundred acres of land.

SEC. 4. Said Association shall have the right to receive donations from States, societies, corporations and individuals, and may from said associations, or from other similar associations, or from the citizens generally; select a Board of Directors, who shall control such institution or institutions when founded. *Provided*, That in the event of aid being given by this State that the Governor, the Attorney-General, the Auditor, and the Judge of the Circuit Court of the Sixth Judicial District shall be directors on the part of the State.

SEC. 5. Said Association may confer upon other similar organizations the right to operate under this charter.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

ACT CXXXVI.

AN ACT to Amend Section Eighteen Hundred (1800) of Mansfield's Digest of the Statutes of Arkansas.

SECTION

1. Amends section 1800 Mansfield's Digest. Disturbing the peace.
2. Act in force one year from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section eighteen hundred (1800) of Mansfield's Digest be amended so as to read as follows: If any person shall wilfully or maliciously disturb, either by day or night, the peace and quiet of any town, village, neighborhood or family by loud or unusual noise, or by abusive, violent or obscene or profane language, whether addressed to the party so disturbed or some other person, or by threatening to fight, quarreling or challenging to fight or fighting, or shooting off any firearms, or brandishing the same, or by running any horse at unusual speed along any street, alley, highway or public or private road, or by alarming falsely any person or persons by cries that cause such person or persons to believe some one is in great danger of losing life or receiving an injury, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not more than three hundred dollars, or be imprisoned in the county jail not less than one month nor more than six months, or both, at the discretion of the court or jury trying the case.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved April 9, 1891.

ACTS OF ARKANSAS.

ACT CXXXVII.

AN ACT to Make it Unlawful for Any Officer of this State, or of any County, Township, City or Incorporated Town in this State, or any Deputy Clerk, or Other Person Employed by any such Officer, Having the Custody or Possession of any Public Funds by Virtue of His Office or Employment, to use any of such Funds for His Own Purpose or Benefit, or to Loan any of Such Funds to any Person or Corporation, Whomsoever or Whatsoever, or to Permit any Person or Corporation, Whomsoever or Whatsoever to Use any of Such Funds, or to Pay or Deliver any of Such Funds to any Person or Corporation Who or Which is not Entitled to Receive it; or for any Person or Corporation, Whomsoever or Whatsoever, to Borrow or Receive any Public Funds From any Such Officer, Deputy Clerk or Employe, Knowing the Same to be Public Funds, and for the Purpose of Converting or Applying the same to His own use or Benefit, or the use or Benefit of any Other Person; or for any Such officer to Wilfully Fail or Omit to Pay Over to His Successor in Office any Such Funds at the Expiration of His Term of Office, and to Prescribe the Punishment for any Such Unlawful Act, and for Other Purposes.

SECTION

1. Unlawful for any officer or his employe to use any public funds for his own benefit.
2. Unlawful for any one to borrow any public fund from any officer, clerk or employe.
3. A felony to violate this act.
4. Public funds defined.
5. Not necessary for indictment under this act to state the kind of funds or denomination.
6. Section 1643 and all existing laws on the subject to remain in force.
7. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That it shall be unlawful for any officer of this State, or of any County, township, city; or incorporated town in this State, or any deputy clerk, or other person employed by any such officer, having the custody or possession of any public funds, by virtue of his office or employment, to use any of such funds in any manner whatsoever for his own purpose or benefit, or to loan any of such funds to any person or corporation, whomsoever or whatsoever, or to permit any person or corporation, whomsoever or whatsoever to use any of such funds, or to pay or deliver any such funds to any person or corporation, knowing that he is not entitled to receive it, or for

any such officer to wilfully fail or omit to pay over any such funds to his successor in office at the expiration of his term of office.

SEC. 2. That it shall be unlawful for any person or persons whomsoever to borrow or receive any public funds from any such officer, deputy clerk or employe, knowing the same to be public funds and for the purpose of converting or applying the same to his or their own use or benefit, or the use or benefit of any other person or persons, or of any corporation.

SEC. 3. That any such officer, deputy clerk, employe or person, who shall violate any of the provisions of section 1 or section 2 of this act, and all persons aiding, abetting, advising, assisting or encouraging such violation, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by imprisonment in the jail and penitentiary house of the State for a period of not less than five years, nor more than twenty-one years.

SEC. 4. That for the purpose of this act "public funds" shall be construed to mean all lawful money of the United States, and all State, county, city, town or school warrants or bonds, or other paper having a money value, belonging to the State, or to any county, city, incorporated town, or school district therein.

SEC. 5. That it shall not be necessary for any indictment found under any of the provisions of this act to particularly describe the kind or denomination, or date or number, of the funds so used, loaned, paid or delivered, or so failed or omitted to be paid over to the successor in office, but it shall be sufficient to describe them in general terms.

SEC. 6. That no existing laws in conflict or inconsistent with this act, and particularly section 1643 of Mansfield's Digest, are in any wise repealed, affected or modified by this act, as to any violation of the same heretofore committed, but as to all such violations so heretofore committed, and the prosecution and punishment of the same, all existing laws in conflict or inconsistent herewith, and particularly section 1643 of Mansfield's

Digest, are hereby retained, and shall be construed to be unaltered and unchanged, and all such violations of said existing laws and said section 1643 of Mansfield's Digest may and shall be prosecuted and punished as if this act had not passed.

SEC. 7. That this act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

ACT CXXXVIII.

AN ACT to Amend Section 15 of An Act Entitled "An Act for the Relief of Certain Soldiers of the Late War Between the States" Approved April 1, 1891, and for Other Purposes.

SECTION

1. Amends section 15 of 'An act for the relief of certain soldiers of the late war between the states' approved April 1, 1891. Levies one-fourth of one mill to carry out the provisions of the act. Directors to make requisition quarterly on Auditor for certain amount. The present directors to continue as such until next session of the General Assembly.
2. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section fifteen (15) of an act entitled "An Act for the relief of certain soldiers of the late war between the States" approved April 1, 1891, be so amended as to read as follows:

Section 15. That a tax of one-fourth (1-4) of one mill shall be and is hereby levied for the next two years, upon all the taxable property within the State of Arkansas for the purposes of carrying out the provisions of this act; the same to be kept in a separate fund known as the "Pension Fund;" *Provided*, That ten thousand dollars of the fund thus raised shall be and is hereby appropriated annually for the erection and maintenance of a Confederate Home as is now established by the Ex-Confederate Association of Arkansas, which sum shall be paid on the order of the directors of said association, on presentation of same

to the Auditor of State, who shall immediately draw his warrant in favor of said association for the same. *Provided*, That no inmate of the said Confederate Home shall be entitled to draw a pension as provided for in this act; *Provided, further*, That no part of the ten thousand dollars as annually appropriated for the erection and maintenance of a Confederate Home shall be used until said Ex-Confederate Association of Arkansas shall have conveyed to said State the lands belonging to said Ex-Confederate Association, with a good and sufficient title, and *Provided further*, That no part of the said sum of ten thousand dollars shall be drawn except in the manner as hereinafter provided.

The Board of Directors shall make requisition quarterly upon the Auditor for an amount not to exceed the sum of twenty-five (25) dollars per quarter for each of the inmates, and necessary employes residing permanently at the said soldier's home, which requisition shall give the names of the inmates as such, and of the employes if any, *Provided, however*, If it shall become necessary to incur any expenses in the way of repairs on buildings, then for such purposes the directors may make requisition for such sums as may be deemed necessary to pay for such buildings and repairs; and *Provided further*, That the present directors of the Confederate Home be, and they shall continue as such until the next session of the General Assembly; when the Governor shall by and with the advice of the Senate appoint their successors consisting of five members.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved April 9, 1891.

ACT CXXXIX.

AN ACT to Amend an Act Entitled "An Act Amendatory of an Act to Provide for Paying the Public Debt of the State of Arkansas;" Which was Approved April 5th, 1887; Approved April 9th, 1889.

SECTION

1. Amends section 1 of "An act amendatory of an act to provide for paying the State debt." Governor, Secretary of State, Auditor and Treasurer the State debt board.
2. Shall take oath of office.
3. The entire board necessary for the transaction of business.
4. Governor president of board. Board to elect a secretary who shall keep a record.
5. Board to make biennial reports to the General Assembly.
6. How Treasurer shall pay out the sinking fund and for what purpose.
7. Board authorized to dispose of any bonds belonging to the sinking fund to the commissioners of the common school fund under certain conditions.
8. Board to settle the undisputed bonded debt by advertising for proposals whenever there is \$25,000 in the sinking fund.
9. Not accept a proposal for a greater price than face value and interest of any bond or make partial payment on any bond and no coupons to be paid unless attached to the bond except coupons where the bond has been paid. Board may reject any and all bids.
10. Board to make an order and file same with Auditor when proposals are accepted and Auditor to issue special warrant on Treasurer who shall pay same on surrender of bond and coupon.
11. Board may direct Treasurer to have State certificates engraved in certain denominations to exchange for bonds. The sum of \$2,000 appropriated for that purpose.
12. The Certificates receivable for certain taxes.
13. The sum of \$300,000 appropriated out of the sinking fund for the purchase of bonds.
14. A tax of one-half of one mill levied and appropriated to pay the Certificates.
15. The Treasurer may exchange small Certificates for larger ones.
16. Treasurer to register Certificates, but Certificates not receivable for any other purposes than those mentioned in section 12.
17. Repeals certain Act of 1883 and 1885.
18. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That an act entitled an act amendatory of an act to provide for paying the Public Debt of the State of Arkansas, which was approved April 5th, 1887, approved April 9th, 1889, be so amended as hereafter to read as follows:

Section 1. That the Governor, Secretary of State, Auditor and Treasurer of State be and they are hereby constituted a State Debt Board for the purposes mentioned in this act.

SEC. 2. Before entering on their duties as members of said State Board they shall take an oath that they will faithfully perform their duties as such.

SEC. 3. The entire State Debt Board shall be necessary for the transaction of business.

SEC. 4. The Governor shall ex-officio be president of said State Debt Board, which shall elect one of its members as Secretary thereof, and he shall keep a record of all their proceedings which shall at all times be open to public inspection; said records shall be in the custody of the Secretary of said Board.

SEC. 5. Said State Board shall make biennial reports to the General Assembly of all its proceedings under this act.

SEC. 6. The Treasurer shall under and by direction of the State Debt Board pay out the money now in, or hereafter to be paid into the sinking fund, by redeeming under such regulations as the State Debt Board may adopt under the provisions of this act, all of the five and six per cent. bonds of the State Bank and Real Estate Bank of Arkansas; and the bonds, and past due coupons of the six per cent. funding bonds of 1869 and 1870, and the over-due interest on the same, now outstanding, excepting those now belonging to the United States, and those held in trust by the United States; and those that have been declared illegal by amendment to the Constitution of this State, number one (1) and such of the refunded bonds of the State as may be found to have been issued in lieu of the bonds of the State which were illegally disposed of by the officers, agents or commissioners of the Real Estate Bank of Arkansas, or of the State Bank of Arkansas.

SEC. 7. That the said State Debt Board be and is hereby authorized to dispose of any of the bonds of the State, now in the State Treasury belonging to the sinking fund, to the Board of Commissioners of the common school fund of this State for the purpose mentioned in section 6137 of Mansfield's Digest of the statutes of Arkansas and section 14 of act No. CIII, approved March 31, 1885, at par, accrued interest excluded. *Provided*, That the State shall pay to the permanent school fund and the sixteenth section fund interest on any bonds so disposed of from the date of such sale, the money received for the sale of any of the bonds as herein provided,

shall be placed in the State Treasury to the credit of the sinking fund.

SEC. 8. The said State Debt Board shall superintend the settlement of the valid and undisputed bonded indebtedness of the State in the manner hereinafter provided; whenever there shall be in the Treasury to the credit of the sinking fund, the sum of twenty five thousand dollars, (\$25,000, or more, said Board may in their discretion advertise for proposals for the sale of any of the valid and undisputed bonds of the State, notice of the time and place of receiving such proposals shall be given by publication in the City of Little Rock for thirty days.

SEC. 9. Said Board shall not accept any proposal for sale at a greater price than the par value and accrued interest of any such bonds; nor shall said Board accept a proposal for sale of less than the whole of any bonds including interest, nor at any time make a partial payment on any bond and no coupons shall be paid, unless attached to and surrendered with the bond, *Provided*, That when interest coupons may be outstanding and the principal of the bond from which they were taken has been paid in full; such coupons may be treated as though they were original bonds. *Provided further*, That said State Debt Board may reject any and all bids under the provisions of this act.

SEC. 10. Upon the acceptance of any proposals for sale of any of the aforesaid bonds, the Board shall make an order that the same be allowed; and the price agreed upon shall be paid out of sinking fund. A copy of the order shall be filed with the Auditor, who shall issue a special warrant upon the Treasury in favor of the holder of the bond or bonds purchased, reciting the numbers and dates of the bonds purchased, which shall be paid by the Treasurer upon the holder acknowledging full satisfaction of such bonds and warrants by endorsement thereon; and surrender thereof to the Treasurer, and said old bonds and coupons shall be cancelled by the State Debt Board, and shall be kept by him for future reference.

SEC. 11. That said Board may from time to time direct the Treasurer to cause to be engraved and printed in denominations of 1, 2, 5, 10, 50, or 100 dollars, State certificates of indebtedness, to be signed by the Treasurer, and exchanged by him upon the order of the Board for any of the outstanding valid and undisputed bonds, and matured coupons of the State, under the same restrictions and limitations and upon the same terms and conditions as prescribed for the purchase of bonds in sections six (6) and nine (9) of this act, and the sum of two thousand dollars, payable out of the sinking fund, is hereby appropriated to pay for the engraving and printing of said certificates for the two years commencing on and after the date of passage this act.

SEC. 12. The certificates provided in the preceding section shall be receivable for the sinking fund tax provided for in section 14, and also be receivable in payment for the State's pro rata of the purchase money paid for lands forfeited to the State for the non-payment of taxes; and for State Bank, and Real Estate Bank lands and debts.

SEC. 13. The sum of three hundred thousand dollars (\$300,000) is hereby appropriated out of the sinking fund, for the purchase of bonds as provided in this act, for the two years commencing April 1st, 1891, and ending March 31st, 1893.

SEC. 14. In order to secure the prompt payment of the certificates heretofore authorized it is further enacted as a part of the contract on which said certificates shall be issued, and as an inviolable condition thereof. That until said certificates shall have been fully paid off and discharged, there shall be levied and collected an annual tax of one-half (1-2) mill on the the dollar on all the taxable property of the State, which money so realized shall be paid into the sinking fund, and is hereby expressly appropriated to the payment of said certificates, until the same are paid off and discharged; and the right of any holder of said certificates to the benefits herein provided shall be considered as vested and unextinguishable from the

time of the issuing thereof, until said certificates shall have been fully paid off and discharged.

All money belonging to the said fund shall be annually applied by the Treasurer, under the direction of the State Debt Board in extinguishing any of said certificates which may be outstanding.

SEC. 15. It shall be lawful for the Treasurer to pay out any un mutilated certificates of indebtedness issued under the provisions of this act which have been, or shall be paid into the Treasury, which are of a smaller denomination for those of a larger one, upon the request of parties desiring to change bonds into certificates, or making payment of fractional amounts into the Treasury for any purpose for which such certificates are now or may hereunder be made receivable by law.

SEC. 16. The Treasurer of State shall keep a register of all certificates of indebtedness issued under the provisions of this act, and that of which it is amendatory; and in general the existing laws relative to the receipt, redemption, re-issue, scheduling for cancellation and destruction of non-interest bearing or other State scrip, shall apply to all certificates of indebtedness issued hereinafter. *Provided*, Said certificates shall not be receivable for any purpose other than those mentioned in section 12 of this act.

SEC. 17. That section four of an act entitled "An act providing for the support of the State Government and the dissolution of the State Board of Finance," approved February 24, 1883, and an act amendatory thereof entitled, "An act providing for the support of the State Government and the dissolution of the State Board of Finance," approved March 3, 1885, be and the same are hereby repealed.

SEC. 18. This act shall take effect, and be in force from and after its passage.

Approved April 9, 1891.

ACT CXL.

AN ACT to Require the County Clerks of the Several Counties in This State, to Furnish County Assessors with Blank Lists for the Assessment of Personal Property.

SECTION

1. Duty of county clerks to furnish assessors blank lists for personal property.
2. Expense to be allowed and paid as other county expenses.
3. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter it shall be the duty of the County Clerks of the several Counties in this State, to furnish annually the assessors of their respective Counties with the necessary blank lists for the assessment of personal property as now required by sections 5616, 5620 and 5621 of Mansfield's Digest of the revenue laws of this State.

SEC. 2. That the expenses of furnishing the lists provided for in section one (1) of this act shall be allowed and paid by the County court as is now provided by law for payment of County ordinary expenses.

SEC. 3. That all acts and parts of acts in conflict with this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved April 9, 1891.

ACT CXLI.

AN ACT to Authorize the Sale of Certain Swamp Lands.

PREAMBLE

Recites that large quantities of swamp lands have been certified to railroads which belong to the State and same has been sold by the railroads.

SECTION

1. Commissioner of State Lands to make a list of said lands and publish same notifying parties who claim a pre-emption to prove the same.
2. Notice to state certain facts.
3. Notice to give date of sale and minimum price. How payable.
4. How lands shall be sold.
5. All lands not sold subject to private sale.

6. Persons having improved any of said lands can purchase same for 12 1-2 and assignment of claim against railroad. Persons who have purchased such lands but have not improved same can purchase same for seventy-five cents per acre and assignment of right against railroad. State to have same cause of action against railroads as original claimant. *Proviso*, Persons owing any balance on lands to railroad to pay same to State. Applicants to state date of purchase, date of payment of installment and file deed and receipts.
7. If cities or towns are located on such lands Commissioner to advertise same as other lands and purchasers have a right to pre-empt lots for \$2.50 for 365 days and lots not pre-empted to be sold for not less than \$5.
8. Commissioner to execute deed on payment of purchase price.
9. Act in force from and after passage.

WHEREAS, There is a large quantity of land in this State, selected by the State of Arkansas, as swamp and overflowed land, prior to the act of Congress, approved March 3rd, 1857, the title of which vested in the State under said act, and said land was afterward certified by the United States to railroad companies, who have sold many tracts of such lands. Therefore,

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That as soon as practicable the Commissioner of State Lands shall cause a list of such lands to be published in a newspaper published at the capital; and a list of such as lie in any particular County in some newspaper published in that County for four insertions, notifying pre-emptors of their rights, and requiring all persons claiming the right of pre-emption upon any of said lands to prove their pre-emption. That any person, his heirs or assigns who have purchased any of said lands from said railroad companies, before the 28th day of February, 1891, shall have a preference right to purchase said land for three hundred and sixty-five days from date of first publication, as provided in section 6 of this act.

SEC. 2. He shall also state in such notice that all of said lands which shall not be purchased under pre-emption or preference rights within three hundred and sixty-five days from the date of said notice, will be sold or offered by him at public sale to the highest bidder, at his office, between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of the first Monday after the expiration of the three hundred and sixty-five days allowed pre-emptors or persons that have

purchased from the railroad company, within which to establish their rights, and pay for their lands.

SEC. 3. Such notice shall state the day of the month and year when the sale will take place, and that said lands will not be sold for less than one dollar and twenty-five cents per acre, payable in specie or swamp land scrip, or other funds receivable by law for such lands.

SEC. 4. At the time fixed in said notice for such public sale the Commissioner of State Lands, shall at the front door of his office proclaim aloud the commencement of the sale, and shall designate distinctly, the lands by the proper numbers, as he offers them at public sale, and shall offer the lands, if not fractional, in half-quarter sections, or quarter-quarter sections to suit purchasers and enhance the value, but fractional quarter sections shall be offered without being divided; and the highest bidder for any land which shall be offered, upon complying with his bid by paying for the land at said sale, shall be the purchaser, *Provided*, That no such lands shall be sold for less than the minimum price established by law, and such sales shall continue from day to day, until all of such lands shall have been sold or offered at public sale.

SEC. 5. All lands not sold shall be subject to entry at private sale, at the price fixed by law.

SEC. 6. Any person, his heirs or assigns who has purchased, settled upon, improved or cultivated any of said land and who has paid the purchase money therefor to the railroad company or its vendee, or who shall have purchased the same at a tax sale, or from the Commissioner of State Lands after a forfeiture to the State for taxes, or who shall have donated the same, shall be quieted in his ownership of said lands, upon the payment to the State within three hundred and sixty-five days the sum of twelve and one-half (12 1-2) cents per acre, and the assignment in legal form to the State of all his or her claims and rights against the railroad company, or any other vendor of said land, growing out of the sale of such land, by reason

of a warranty of title or otherwise, and which assigned right shall be considered a part of the purchase price of said lands; any person who has purchased and not settled upon, improved or cultivated said lands, who has paid the purchase money therefor to the railroad company, or its vendees, or who shall have purchased the same at a tax sale, or from the Commissioner of State Lands after a forfeiture to the State for taxes, shall be quieted in his ownership of said lands upon the payment to the State within three hundred and sixty-five days the sum of seventy-five 75 cents per acre, and the assignment in legal form to the State of all his or her claims and rights against the railroad company or any other vendor of said land growing out of the sale of such land by reason of warranty of title or otherwise, and which assigned right shall be considered a part of the purchase price of said land. And the State shall have the same cause of action against such railroad company or any other vendor, as assignee of such claims and rights of action as the assignor would have had in case they had not bought said lands from the State and had been ousted of the possession of said lands; *Provided*, That if any person purchasing such lands from the railroad company shall still owe such company at the time of the passage of this act any part of the purchase money, he shall pay to the State the balance of the purchase money due by him to such company in addition to said sum of twelve and one-half or seventy-five cents per acre. All applicants for such lands shall state under oath the date of the purchase from the railroad company, and the date of payment of each installment of the purchase money; and shall file with the application their receipts or deeds from the railroad company, or shall furnish other satisfactory proofs of the payment to the company of such purchase money before the passage of this act.

SEC. 7. In case the Commissioner of State Lands find any town or city located upon any of said lands, he shall publish the same as required by sections 1, 2 and 3 of this act, describing the same by lots and blocks, and any person, his heirs or

assigns who has purchased any of said lots from the railroad companies, or shall hold a tax title therefor, before the 28th day of February, 1891, shall have a preference right to purchase said lot for three hundred and sixty-five days. All persons who have purchased from any railroad company any lots, who have paid the purchase money therefor shall be quieted in their ownership of said lots, upon the payment to the State within three hundred and sixty-five days the sum of two dollars and fifty cents for each lot. All lots not purchased under the preference right within three hundred and sixty-five days from the date of notice, shall be offered for sale the same as land, and shall not be sold for less than five dollars for each lot. All lots not sold shall be subject to private sale for five dollars a lot.

SEC. 8. The Commissioner of State Lands, upon full payment therefor being made to the State Treasurer shall execute to the purchaser or purchasers thereof a deed therefor, conveying all the right, title and interest of the State in and to said land, city or town lots so sold.

SEC. 9. That this act take effect and be in force from and after its passage.

Approved April 9, 1891.

ACT CXLII.

AN ACT to Amend Section 3715 of Mansfield's Digest of the Revised Statutes of the State of Arkansas.

SECTION

1. Amends section 3715 Mansfield's Digest. Penalty for violating. Special prosecutor to be appointed.
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 3715 of Mansfield's Digest of the the Revised Statutes of Arkansas, be and the same is hereby so amended as to read as follows :

Section 3715. If any physician, officer, or any other person shall be guilty of a violation of any of the provisions of this act, he shall be fined in any sum not less than three hundred, nor more than one thousand dollars, and be imprisoned in the County jail not less than sixty days, nor more than six months. If the owner of any building, shop or house shall use, rent, lease or cause to be used for purposes in violation of the provisions of this act, he shall upon conviction thereof suffer the same fines and penalties herein provided: and all persons shall be indictable by the grand jury, and no previous conviction by any town or city authority, under any ordinance thereof, whereby a less penalty is prescribed, than is herein prescribed shall be any bar to a conviction under the provisions of this act. The Prosecuting Attorney for the circuit in which the city of Fayetteville is situated, shall have power and is hereby authorized to appoint a special deputy prosecutor, resident or near said city of Fayetteville, whose duty it shall be to prosecute any and all violations of the provisions of this act. He shall be allowed as fees the sum of fifty dollars for each conviction, but, in all cases where the costs cannot be made out of the defendant he shall be allowed the sum of twenty-five dollars, to be paid by the County of Washington.

SEC. 2. All laws and parts of laws in conflict with this act, be, and the same are hereby repealed; and this act take effect from and after its passage.

Approved April 9, 1891.

ACT CXLIII.

AN ACT to Regulate the Appointment of Peace Officers and for the Punishment of Unlawful Acts of Non-Residents.

SECTION

1. Persons allowed by law to appoint special deputies shall not appoint persons who are not citizens, but can call on any person to suppress a riot.
2. No person shall exercise the functions of a peace officer unless duly appointed.
3. A felony to violate the act.
4. Persons bringing an armed force, or police or detectives into the State subject to civil action for damages.
5. Shall not prohibit detectives from ferreting out crime.
6. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the Governor, the Sheriff of any County, United States Marshal, Mayor of any city or incorporated town or other person authorized by law to appoint special deputy sheriffs, special constables, special marshals, special policemen or any other peace officer in this State, to preserve the public peace and to prevent or quell public disturbances or domestic violence, shall not hereafter appoint as such special deputies sheriffs, special constables, marshals, policemen, or other peace officer any person who is not a citizen of the State of Arkansas and a resident of the County in which a disturbance may occur, *Provided*, That any such officer at any time whenever he shall deem it necessary may, for the time being and in the manner now provided by law, call upon any and all persons who may be present or may be necessary to aid such officer in the immediate arrest of any person or in the suppression of any riot or other public disturbance.

SEC. 2. No person shall assume or exercise or attempt to exercise any of the functions, powers, duties, or privileges incident or belonging to the position or office of special deputy sheriff, special constable, special deputy marshal and policeman or other peace officer without having been duly and legally appointed as such or has been summoned by some peace officer as provided by law.

SEC. 3. If any person or persons shall, within this State, unlawfully exercise or attempt to exercise the functions of or hold himself or themselves out to any one as a deputy sheriff,

special or deputy constable, special or deputy marshal, policeman or other peace officer or as any person acting as an officer of the law, or as the authorized or unauthorized agent or representative of another, or of any association, corporation or company, or who shall bring into the State or cause to be brought, or aid in bringing into the State any armed or unarmed police force or detective agency or force, or armed or unarmed body of men for the suppression or pretended suppression of domestic violence or disturbance, such person or persons shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for a period of not less than two years nor more than five years, *Provided, however,* That the Legislature when in session or the Governor when the Legislature is not in session may call upon the lawfully constituted authorities of the United States for protection against invasion and domestic violence as provided in section four (4) article four (4) of the Constitution of the United States.

SEC. 4. Any person, officer, company, association or organization who shall knowingly bring or cause to be brought or aid in bringing into this State any armed or unarmed police, or detective force or other armed or unarmed body of men for the suppression or pretended suppression of any domestic violence, riot or disturbance except called upon by the lawful authority of this State as provided in section three (3) of this act, shall be liable in a civil action to any person or their legal representatives for any injury for any and all damages to such person or to the property of any such individual through the action of or as the result of the coming or bringing into the State of such individuals or body of men or of any of them whether acting together or separately in carrying out, or attempting to carry out the purpose or purposes for which they came or were brought into the State.

SEC. 5. That this act shall not be construed so as to prohibit the employment by the proper authorities or by any per-

son or persons of individual detectives to aid in the detection of crime or the arrest of criminals.

SEC. 6. That this act take effect and be in force from and after its passage.

Approved April 9, 1891.

ACT CXLIV.

AN ACT Fixing the Fees and Salaries of the County Officers of Washington County, in the State of Arkansas.

SECTION

1. Fixes fees of county officers.
2. County clerk, circuit clerk, assessor and sheriff of Washington county required to make report to circuit judge and pay into county treasury all sums in excess of their salary.
3. If money is not paid into the county treasury county judge to bring suit.
4. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the fees and emoluments of the County Clerk and the Circuit Court Clerk, shall be fifteen hundred bollars each per annum.

The fees or salary of Assessor of taxes shall be one thousand dollars per annum.

The salary of the County Judge shall be eight hundred dollars per annum.

The salary of the Collector of taxes shall be one thousand dollars per annum.

The fees or salary of the Sheriff shall be fifteen hundred dollars per annum.

SEC. 2. That the County Clerk, the Circuit Court Clerk, the Assessor and the Sheriff, of said County of Washington, shall make an annual report to the Judge of the Circuit Court of said County as provided in section 3300 of Mansfield's Digest of the Statutes of Arkansas, and all sums in excess of the amounts provided in section one of this act received by them respect-

ively, shall be paid by them into the county treasury of said County for the benefit of the public schools of said County of Washington, payment to be made within thirty days after the filing of said report, and the sureties on their official bonds shall be responsible for the same.

SEC. 3. If such excess shall not be paid into the county treasury of said County within the time as provided in section (2) of this act, it shall be the duty of the County Judge to cause suit to be brought in the proper court against such officer or officers, and their bondsmen, to recover the amount due and ten per cent. interest per annum thereon until paid.

SEC. 4. This act to take effect and be in force from and after its passage.

Approved April 9, 1891.

ACT CXLV.

AN ACT to Amend Sections 1706 and 1709 of Mansfield's Digest of the Statutes of Arkansas.

SECTION

1. Amends section 1706 Mansfield's Digest. Persons convicted of perjury to be imprisoned in penitentiary.
2. Amends section 1709 Mansfield's Digest. Penalty for subordination of perjury
3. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 1706 of Mansfield's Digest of the revised Statutes of the State of Arkansas, be so amended as to read as follows:

Whosoever shall be convicted of perjury shall be imprisoned in the State penitentiary not less than one nor more than fifteen years.

SEC. 2. That section 1709 of Mansfield's Digest of the revised Statutes of the State of Arkansas, be so amended as to read as follows:

Every person convicted of subordination of perjury shall be imprisoned in the State penitentiary not less than one nor more than fifteen years.

SEC. 3. That all laws and parts of laws in conflict herewith are hereby repealed, and this act take effect and be in force from and after its passage.

Approved April 9, 1891.

ACT CXLVI.

AN ACT to Prohibit the Manufacture, Sale or Giving Away of Intoxicating Liquors, Within Three (3) Miles of the Public School Building in the Town of Rogers, Benton County, Arkansas

SECTION

1. Unlawful to sell liquor within three miles of Rogers, Arkansas.
2. Wines for sacramental purposes and private families excepted. Physicians may prescribe and furnish.
3. Prohibits County Judge from granting license.
4. Penalty for violating. Native wines and elder excepted in quantities of one quart and over.
5. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter it shall be unlawful to manufacture for sale, sell, give away, barter or traffic in any way any spirituous, vinous, ardent, malt or fermented liquors, or intoxicating liquors of any kind, or alcohol, or any compound, or preparation thereof commonly called tonics or bitters, within three (3) miles of the public school building in the town of Rogers, Benton County, Arkansas, and situated upon a plat of land in the northeast corner of the northwest quarter of the southeast quarter of section twelve (12) in township nineteen (19) of range thirty (30) west.

SEC. 2. This act shall not prevent the use of wine for sacramental purposes, or preclude the use of any of the articles enumerated in section one in private families at their residences; or prohibit the prescribing and furnishing by regular

practicing physicians to patients actually under their charge and treatment, any of the articles mentioned in section one of this act.

SEC. 3. The County Court of said Benton County is hereby prohibited from granting any license to any of the articles mentioned in section one of this act within three (3) miles of said public school house.

SEC. 4. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall for each offense be fined in any sum not less than one hundred (\$100) dollars, or more than five hundred (\$500) dollars. *Provided*, That nothing in this act shall be construed as prohibiting the sale by the producer of wine or cider made of grapes, berries or other fruits. *Provided*, That such wine or cider be sold only upon the premises, where such grapes, berries or other fruits are grown and in quantities not less than one quart. *Provided*, That nothing in this act shall be construed as prohibiting the manufacture of cider for vinegar, jelly, &c.

SEC. 5. That this act take effect and be in force from and after its passage.

Approved April 9, 1891.

ACT CXLVII.

AN ACT to Amend Section one of an Act Entitled an Act to Regulate the Fees of Jurors in Justice's Courts, Approved, February 21, 1887.

SECTION

1. Regulates fees of jurors in Justice Courts
2. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section one of an act to regulate fees of jurors in Justice's Courts, approved February 21, 1887, be amended to read as follows, to-wit: That each Juror in a Justice's Court for each days service, or fractional part thereof

whether rendering a verdict or not, shall receive fifty cents, to be taxed as other costs.

SEC. 2. That all laws or parts of laws in conflict with this act, are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved April 9, 1891.

ACT CXLVIII.

AN ACT to Change the Boundary Lines Between Yell and Logan Counties.

SECTION

1. Certain territory detached from Logan county and added to Yell.
2. The territory made part of the Danville district.
3. County Clerk of Logan county to make a statement of taxable property in the territory and transmit to County Clerk of Yell county who shall furnish collector with a certified copy.
4. Collector of Yell county to pay over taxes collected in territory to the Treasurer of Logan county.
5. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That all of E. 1-2 of section 33, 34, 35 and 36 in township 6, north of range 25 west, and now situated in Logan County, be and the same is hereby detached from the County of Logan and attached to, and made a part of the County of Yell.

SEC. 2. That said territory so attached to the County of Yell, is and shall be a part of the Danville District of said County for all purposes.

SEC. 3. That it shall be the duty of the County Clerk of Logan County, to prepare an accurate statement of the taxes assessed upon the real and personal property for the year 1891, in the territory hereby detached from Logan County, and after certifying to the same under the seal of his office he shall on or before the 20th day of October 1891, transmit it to the County Clerk of Yell County, who shall file the same in his

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office, and the said County Clerk of Yell County shall on or before the first day of January 1892 furnish to the collector of Yell County a certified copy of said statement.

SEC. 4. That it shall be the duty of the collector of Yell County to pay over to the Treasurer of Logan County as soon as he has completed the collection of taxes, all of the taxes levied for County purposes for the year 1891 on the property in the territory so as aforesaid detached from Logan, *Provided*, That the same kind of funds shall be receivable in payment of all taxes due under this act to Logan County, that would have been receivable in case said territory had not been detached from Logan County.

SEC. 5. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed, and that this act take effect and be in force from and after the twentieth (20) day of October eighteen hundred and ninety-one.

Approved April 9, 1891.

ACT CXLIX.

AN ACT to Authorize the Enclosing of Certain Lands in the Arkansas River Bottoms in Yell County, Arkansas.

SECTION

1. Certain territory in Yell county to be enclosed in a continuous fence.
2. Land owners to erect fence in proportion to value of lands.
3. Land owners to elect a board of appraisers.
4. Duties of appraisers.
5. If landlord fails to erect fence appraisers to have it done and collect from owner.
6. Penalty turning stock at large in enclosure.
7. Penalty for leaving gates open.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the owners of the lands lying within the following boundary in Yell County, Arkansas, viz.: Beginning at a point where the river road leading from Dardanelle to Bata's Mill creek crosses the south line of the S. W. 1-4 of N. E. 1-4 of Sec. 5 T. 6 N. R. 20 W. thence down

the west side of the said river road to Bata's Mill creek at the bridge across the said Mill creek, thence west and up the north bank of said Bata's Mill creek to the lake, thence up the east bank of said lake to the N. E. corner of the S. E. 1-4 of N. W. 1-4 of Sec. 28 in T.6 N. R. 20 W. thence across the mouth of what is known as the open slough, thence on up the east bank of the bayou to the lower Dardanelle and Danville road at the Johnson bridge, thence along the east side of said road to the section line running north and south between sections 5 and 6 in said T. and range, thence south with said section line to the S. E. corner of the N. E. 1-4 of N. E. 1-4 of said section 6, thence east to place of beginning, on the said river road, be and they are hereby authorized to enclose said lands within the territory above described with one continuous fence around the said territory; *Provided*, That said owners of said lands embraced within said enclosure, shall keep and maintain at all times good and substantial gates with convenient fastenings at and upon all county roads within said territory hereby authorized to be enclosed as aforesaid, and *Provided, further*, that this act shall not be so construed as to abolish said roads as public highways.

SEC. 2. That it shall be the duty of the respective owners of said lands within the said described territory to erect or cause to be erected so much of said fence as would be in proportion to the value of the lands owned by each person within the said enclosure.

SEC. 3. That for the purpose of ascertaining what amount of fencing each of said land owners will be required to do, the said land owners shall meet at the court house in the town of Dardanelle, Arkansas, on the 18th day of April, 1891, at the hour of 2 o'clock p. m. and elect three persons who shall be owners of lands within the said territory as a board of appraisers who, after being so elected as such appraisers, shall each take an oath before some officer authorized by law to faithfully perform their duties as such appraisers, without prejudice or

favor, and value each person's land at its true value, and apportion to each of said land owners the amount of fencing that would fall to his or her share according to the value thereof as provided in section two of this act.

SEC. 4. That said appraisers shall on or before the first day of June 1891, view and appraise the lands in the said territory described in section one of this act, and shall make an appraisal list thereof showing the names of the owners, description of the land owned by each and the value thereof as appraised by them, and they shall also fix the amount and designate the number of yards that each of said owners shall erect, and they shall also within 60 days from the said 1st day of June 1891, notify each person owning lands in said territory in writing of the number of yards that such owner shall erect, and at what place or point they shall begin and terminate the erection of their respective shares of such fence.

SEC. 5. That should any owner of land within said territory, for any cause, fail or refuse to do the amount of fencing which said appraisers shall determine they shall erect or cause to be erected as hereinbefore provided on or before the 1st day of November 1891, then any other person interested in said enclosure may proceed to do said fencing, and when the same is done, have the same valued by three disinterested persons, and if said person for whom such fence is built shall then fail or refuse to pay such person the amount so fixed by said three disinterested persons for such service; then said person so having done said fencing shall be entitled to recover against said recusant before any court having jurisdiction, judgment for the amount of said award of said three disinterested persons, together with fifty per cent. penalty on refusal or neglect to pay said award and all costs of suit and said judgment when obtained shall become and operate a lien on the lands lying within said enclosure and the same may be enforced as mechanic's liens are now enforced by law.

SEC. 6. That if any person or persons shall turn at large in the said enclosure or knowingly permit any stock of any

kind of which he is the owner, or of which he has control, to run at large in the said enclosure, he or they as the case may be, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$5.00 nor more than \$50.00, and in addition to such penalty he shall be liable for double the amount of any damages that any person may sustain by reason of such stock running at large in said enclosure, to be recovered by action in any court having jurisdiction, *Provided*, That this section shall not be so construed as to prohibit any person from fencing his or her land separately and pasturing the same.

SEC. 7. That if any person or persons shall wilfully or negligently or carelessly leave any gate, bars or other passway leading into said enclosure open or unfastened, or shall tear down any of said fence, or leave down any of the same, or in any manner injure or destroy the same, he or they shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$5.00 nor more than \$50.00.

Approved April 9, 1891.

ACT CL.

AN ACT to Facilitate a Full and Final Settlement with Ex-Treasurer W. E. Woodruff and for Other purposes.

SECTION

1. Burning Board to settle with ex-Treasurer Woodruff.
2. Treasurer to schedule vouchers to be destroyed.
3. Board may employ clerical force and \$500 appropriated for that purpose.
5. Board to ascertain if there is a shortage, if so Governor to bring suit.
6. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the Board provided for in sections 3207 and 3208 of Mansfield's Digest known and denominated "Burning Board," be and is hereby authorized, empowered and

directed as soon after the passage of this act as may be practicable to carefully examine each every and all bonds, coupons, scrips, Treasurer's warrants and all other securities now tendered or offered, or that have been or may be tendered, or offered again to the State Treasurer by ex-Treasurer W. E. Woodruff, in settlement of his accounts as State Treasurer, and which have not been finally received and receipted for by the State Treasurer, and after having ascertained any and all items of such bonds, coupons, scrips and other securities as have been properly received by the said Woodruff as State Treasurer, and have been properly charged against him as such Treasurer and that he is justly entitled to credit therefor, said Board shall thereupon direct the State Treasurer to receive from and receipt to said ex-Treasurer for such items as shall have thus been found to be proper vouchers and credits, and to have been properly charged, and the Treasurer shall thereupon receive and receipt for such items.

SEC. 2. After the examination and receipt of the vouchers, items, securities and other papers in the manner provided in section one (1) of this act, the State Treasurer shall under the direction of said Board schedule all such items as in the judgment of the Board ought to be destroyed in the manner provided by law and the same shall be examined and destroyed in the manner prescribed by law.

SEC. 3. It shall be the duty of the Board when it desires the presence, or advice of the Attorney-General in the premises to inform him of the fact and he shall attend and advise the Board, or if unable to be present and render the duties required of him herein, he shall secure the service of some competent attorney who shall be acceptable to the Board to represent him before said Board.

SEC. 4. That for the purpose of carrying out fully the provisions of this act, said Board is hereby authorized to employ such competent, clerical assistance as it may need at an expense of not more than five hundred (\$500) dollars, which sum or so much thereof as may be necessary is hereby appropri-

ated, and the Auditor shall issue his warrants upon the Treasurer to pay for the clerical expenses herein, upon the requisition of the Board.

SEC. 5. Said Board shall also ascertain what, if any, shortage exists in the accounts of said ex Treasurer W. E. Woodruff after allowing all proper credits, and shall report the same to the Governor, who shall direct the institution of proper suits for the recovery of the same.

SEC. 6. That this act take effect and be in force from and after passage.

Approved April 9, 1891.

ACT CLI.

AN ACT to Authorize the Redemption of Lands Sold for Taxes After They Have Been Deeded to the State.

SECTION

1. Land sold to the State under the overdue tax bill can be redeemed if not sold.
2. How parties must proceed to redeem lands.
3. State Land Commissioner must furnish statement to applicant.
4. Party must file petition setting out certain facts.
5. Land Commissioner may require evidence.
6. If facts are as set forth in petition Land Commissioner must issue deed.
7. Land Commissioner must file one receipt with Auditor and keep one on file in his office and forward copy of the deed to the clerk of the county court in the county in which the land is situated.
8. County clerk must extend the taxes on the tax books.
9. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That all lands, town and city lots sold and deeded to the State under any decree or other proceedings had under and by virtue of an act entitled "An Act to enforce the payment of overdue taxes," approved March 12, 1881, and which have not been sold or otherwise disposed of by the State; and all lands, town and city lots which have been sold for taxes, and deeded to the State prior to the passage of this act and which have not been sold or otherwise disposed of by the

State, may at any time before said lands, town or city lots are sold or otherwise disposed of by the State be redeemed by the person owning such lands town or city lots, at the time the same were forfeited for taxes in the manner and as prescribed in section two of this act.

SEC. 2. That any person, his or her agent or attorney, desiring to redeem any lands, town or city lots under the provisions of this act, shall first pay to the Treasurer of the State an amount or sum of money equal to the taxes for which such lands, town or city lots desired to be redeemed, were sold, together with penalty and all costs and expenses paid by the State in acquiring and perfecting her title to such lands, town or city lots under such forfeiture for taxes, with interest at the rate of ten per cent. per annum on the whole amount so paid.

SEC. 3. That the State Land Commissioner, upon application by any person desiring to redeem any lands, town or city lots under this act, shall furnish such person a statement, showing the amount of money that will be required to be paid to the State Treasurer under section two of this act for the redemption of such lands, town or city lots, sought to be redeemed.

SEC. 4. That before any person shall be permitted to redeem any lands, town or city lots mentioned in section one of this act, such person, his or her agent or attorney shall present and file with the State Land Commissioner a petition duly verified, stating that they, or the parties under whom they hold owned the lands, town or city lots desired to be redeemed at the time the same were forfeited for taxes, and shall also file with said petition a receipt in duplicate from the Treasurer of the State showing the payment of the amount of money necessary to redeem the lands, town or city lots sought to be redeemed as required by section two of this act.

SEC. 5. The State Land Commissioner may require other evidence than the petition to establish the fact therein set forth, and the petitioner may take proof by affidavit or otherwise as the said Commissioner may direct.

SEC. 6. If the State Land Commissioner finds the facts set forth in the petition to be true, and that the amount of money necessary to redeem the lands sought to be redeemed has been paid to the State Treasurer as required by section two of this act he shall by deed of release and quit claim under his hand and official seal, convey to the person redeeming such lands, town or city lots all of the right, title and interest of the State in and to such lands, town or city lots acquired under any forfeiture, sale or condemnation for taxes; for which deed the Commissioner shall receive one dollar to be paid by the party applying to redeem said lands.

SEC. 7. The State Land Commissioner shall file with the Auditor of State one of the receipts executed by the Treasurer and presented with the petition required by section four of this act, and shall keep the other receipt on file in his office and said Commissioner shall forward a copy of the deed executed by him under section six of this act, to the Clerk of the County Court of the County in which the land conveyed by such deed is situated.

SEC. 8. After the reception of said deed of said Land Commissioner by the Clerk of the County Court, said Clerk shall extend on the tax books against said lands, the taxes for the years that the same have not been paid since the sale of the same to the State, and such taxes as have not been paid on such lands since said sale to the State shall be charged and collected as in other cases of lands of the State that the Commissioner has officially advised the County Clerk have become subject to taxation.

SEC. 9. That all laws and parts of laws in conflict herewith are hereby repealed, and that this act be enforced and take effect from and after its passage.

Approved April 9, 1891.

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ACT CLII.

AN ACT to Redistrict the State of Arkansas for Congressional Purposes.

SECTION

1. Divides the State into six Congressional districts
2. Counties composing the First district.
3. Counties composing the Second district.
4. Counties composing the Third district.
5. Counties composing the Fourth district.
6. Counties composing the Fifth district.
7. Counties composing the Sixth district.
8. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the State of Arkansas shall be divided into six (6) Congressional Districts.

SEC. 2. The First (1) District shall be composed of the Counties of Sharp, Randolph, Clay, Lawrence, Green, Craighead, Mississippi, Poinsett, Jackson, Woodruff, Cross, Crittenden, St. Francis, Lee and Phillips, and the qualified electors residing therein shall elect one representative to the Congress of the United States.

SEC. 3. The Second (2) District shall be composed of the Counties of Drew, Bradley, Cleveland, Jefferson, Grant, Dallas, Hot Spring, Lincoln, Saline, Garland, Montgomery, Polk, Scott and Sebastian, and the qualified electors residing therein shall elect one representative to the Congress of the United States.

SEC. 4. The Third (3) District shall be composed of the Counties of Desha, Chicot, Ashley, Calhoun, Union, Ouachita, Columbia, Nevada, Clark, Pike, Hempstead, Lafayette, Miller, Little River, Sevier and Howard, and the qualified electors residing therein shall elect one representative to the Congress of the United States.

SEC. 5. The Fourth (4) District shall be composed of the Counties of Pulaski, Perry, Conway, Pope, Yell, Logan, Johnson and Franklin, and the qualified electors residing therein shall elect one representative to the Congress of the United States.

SEC. 6. The Fifth (5) District shall be composed of the Counties of Crawford, Washington, Benton, Carroll, Madison,

Newton, Boone, Searcy, Van Buren and Faulkner, and the qualified electors therein shall elect one representative to the Congress of the United States.

SEC. 7. The sixth (6) District shall be composed of the Counties of Marion, Baxter, Fulton, Izard, Stone, Independence, Cleburne, White, Lonoke, Prairie, Monroe and Arkansas, and the qualified electors therein shall elect one representative to the Congress of the United States.

SEC. 8. That all acts and parts of acts in conflict with this act are hereby repealed and this act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

ACT CLIII.

AN ACT to Amend Section Four Hundred and Seventy-six (476) of Mansfield's Digest of the Revised Statutes of this State.

SECTION

1. Amends section 476 Mansfield's Digest. Negotiable paper and defence against same given for patent rights and patent right territory.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section four hundred and seventy-six (476) of Mansfield's Digest of the Statutes of this State be amended so as to read as follows:

Nothing in the preceding section shall apply to a bill of exchange or negotiable promissory note, transferred in good faith and for value before maturity, but such instrument shall be governed by the rules of the law merchant concerning commercial and negotiable paper. *Provided*, That the payer and drawer in all notes, drafts and bills of exchange executed or drawn in payment of any patent right or patent right territory shall be permitted to make all the defenses against, any assignee, endorser, holder or purchaser of such note, draft or bill of exchange that could have been made against the original payee

or drawee whether such note, draft or bill of exchange be assigned or transferred before maturity or not.

Approved April 9, 1891.

ACT CLIV.

AN ACT to Amend Sections 5381, 5385, 5386, 5387, 5382 and 5392 of Mansfield's Digest and for other Purposes.

SECTION

1. Amends section 5381 Mansfield's Digest. State printing.
2. Amends section 5385 Mansfield's Digest. Secretary of State to furnish copy to printer.
3. Amends section 5386 Mansfield's Digest. Number of copies to be printed.
4. Amends section 5387 Mansfield's Digest. Number of copies of the Acts and Journals to be printed.
5. Amends section 5382 Mansfield's Digest. Contractor must make affidavit to account.
6. Amends section 5382 Mansfield's Digest. Commissioners may advance 50 per cent. on work.
7. Bids must be made by the page. Standard pages defined. Press work to be let by quarter thousand and quarter hundred. Form of legislative bills. Commissioners to only pay for actual weight of paper in completed work.
8. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 5381 of Mansfield's Digest be amended to read as follows: After the completion of each piece of work ordered printed by the General Assembly or any other State officers, or Boards in pursuance of law, the Commissioners shall as soon as may be practicable, settle the accounts of the contractor therefor, *Provided*, That such settlement shall be subject to be reviewed at any time within twelve months, in which case the Commissioners shall be governed by the provisions of section 5380 as far as the same may be applicable.

SEC. 2. That section 5385 of said Digest be amended to read as follows:

The Secretary of State shall make out true and accurate copies of all the laws, resolutions and memorials, and deliver the same to the contractor for printing the Acts of the Gener-

al Assembly as fast as such contractor may need the same in fulfillment of his contract as required by law. The date of approval by the Governor shall be stated at the end of each act, resolution and memorial omitting the name and style of the Governor and presiding officers of the two houses. At the end of each volume of such acts there shall be a full and complete index to be prepared by the printer, for which the Commissioners shall allow a reasonable compensation. The contractor shall furnish to the Secretary of State at his office a proof of each form of the laws, in the course of their publication, and a reader to assist in comparing the same with the original rolls

SEC. 3. That section 5386 of said Digest be amended to read as follows:

Before the commencement of each regular session of the General Assembly, there shall be printed and delivered to the Secretary of State, two thousand copies each of the Governor's message and Secretary of State's report, one thousand copies each of the reports of the Auditor, Treasurer and Arkansas Industrial University, and five hundred copies each of all other reports and public documents required by law to be published, one-half of all such documents to be for the use of the General Assembly, and the other half for distribution by the Secretary of State, *Provided*, That one-half of the reports of the Arkansas Industrial University shall be delivered to the Trustees thereof, for distribution, and only the balance to be divided as herein provided for. *Provided, further*, That no greater number of such reports and public documents shall be printed, except by resolution of the General Assembly. But this proviso shall not prevent either House from printing bill or reports of committees without the concurrence of the other house.

SEC. 4. That section 5387 of said Digest be amended to read as follows:

There shall be printed at the close of each session of the General Assembly, unless some other number is ordered there-

by, five thousand copies of the acts, resolutions and memorials, and five hundred copies each of the Journals of each house.

SEC. 5. That section 5382 of said Digest be amended to read as follows:

Each contractor for printing and binding, or either shall preserve one copy of each piece of work done by him, as a voucher and sample of work performed, which shall be presented to the Commissioners, and shall attach to said account his affidavit that the same is in all things and in every particular, true and correct.

SEC. 6. That section 5392 of said Digest be amended to read as follows:

With the approval of a majority of the Board of Commissioners, when a large quantity of public printing or binding is required to be done, the Auditor may advance to the contractor, from time to time, any sum not exceeding fifty per cent. of the estimated value of the work done.

SEC. 7. Hereafter the contract for composition on Book and Pamphlet work and Legislative bills, shall be let and made by the page, instead of by the thousand ems, and specify the kinds of types. The standard pages to be as follows, measuring from extreme points of the type: Medium octavo, four inches in width by seven and one-third inches in length; Royal octavo, four and two-thirds inches in width by eight and one-third inches in length; Legislative bills, five inches in width by nine inches in length.

The contracts for press work on Book and Pamphlets and Legislative bills shall be let and made by the quarter thousand sheets, instead of by the token, and for blanks and similar work, by the quarter hundred sheets, instead of by the quire. Legislative bills shall be printed on extra quality book paper, on both sides of the paper, when two or more pages in length, set in small pica type double leaded with four to pica leads, at the lines numbered at one end only. In no case shall the Commissioners allow or pay any claim for more paper than the actual quantity or weight in the completed work.

SEC. 8. All acts and parts of acts in conflict with this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved April 10, 1891.

ACT CLV.

AN ACT to Aid Deserving Deaf Youth.

PREAMBLE

Recites that there is a College at Washington, D. C. for deafmutes, maintained by the Federal Government of which many deaf youths of the State wish to avail themselves.

SECTION

1. Authorizes the board of trustees to extend time of students beyond seven years. *Provido*, Not more than twenty students to be recommended in one year or none beyond three years.
2. The provisions of sections 2508 and 2509 to be extended to indigent pupils who attend College.
3. Act in force from passage and conflicting laws repealed

WHEREAS. The Government of the United States maintains, at Washington, a college for the deaf, and many of the deaf youth of this State male and female, are desirous of enjoying the advantages of that college, but because the term of seven years that they are allowed to attend the Arkansas Deaf Mute Institute, is not sufficient for them to prepare themselves to pass the examination for entrance to the college, and, WHEREAS, Other young men and women find that their term of seven years has expired before they are sufficiently skilled in their trades to obtain employment in them at fair wages, therefore, *Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That the Board of Trustees of the Arkansas Deaf Mute Institute is hereby empowered to extend the term of such pupils as may be recommended by the principal, from time to time beyond the original period of seven years, either for further instruction with a view to entering college, or for perfecting themselves in their trades; *Provided*, No more than twenty pupils be so recommended in one year, nor any one for more than three years extension.

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SEC. 2. That when the County Judge of any County has certified that a pupil is indigent, the provisions of sections 2508 and 2509 of Mansfield's Digest shall be extended to such pupils while a student of the college.

SEC. 3 That this act shall take effect and be in force from and after its passage, and all laws and parts of laws inconsistent with it are hereby repealed.

Approved April 14, 1891.

ACT CLVI.

AN ACT to Establish Chancery Courts in the Counties of Drew, Arkansas, Ashley, Desha and Chicot.

SECTION

1. Counties composing the Second Chancery district.
2. Jurisdiction of the court. Manner of appeal.
3. Powers of the Chancellor.
4. Governor to appoint the Chancellor, to be confirmed by the Senate.
5. Qualifications, salary and term of office of Chancellor.
6. Circuit court clerks to be chancery clerks.
7. How special chancellor may be appointed. Not required to reduce decisions to writing. How to fill vacancies.
8. When circuit or county judges may issue injunctions.
9. Cases to be transferred from one court to the other. Clerks of the circuit courts to transfer all records and papers to chancery court.
10. To be a court of record, seal and style.
11. Chancery court may adjourn from time to time.
12. Writs, orders and other process issued from the chancery side of the circuit court returnable to the chancery court.
13. Time of holding the chancery court.
14. Place of holding the chancery court.
15. Chancellors may hold court for each other.
16. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That separate Courts of Chancery be and are hereby established in the Counties of Drew, Arkansas, Ashley, Desha and Chicot. The said Counties shall compose and be know as the 2nd Chancery District.

SEC. 2. The said Chancery Courts shall have original jurisdiction in all matters in equity as fully as now exercised by the Circuit Court of the said Counties. Appeals may be taken

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from final orders and decrees of the said Chancery Courts as is now provided by law for appeals from the Circuit Courts in equity cases.

SEC. 3. The Chancellor shall have the power to administer oaths in all cases; to take and certify acknowledgements of deeds and other instruments of writing required by law to be acknowledged; to solemnize marriages. He shall be a conservator of the peace throughout the State, and shall have the same power to act in vacation as is now conferred upon the circuit judges (or Chancellor of the Chancery Court of the First District) in equity cases.

SEC. 4. The Governor shall by and with the advice and consent of the Senate appoint a Chancellor to preside over the Chancery Court hereby established. If the Senate shall not be in session when such appointment is made, the appointee shall hold the office and exercise the functions and powers pertaining to the same until the adjournment of the next General Assembly; and if the Senate shall not advise and consent to the said appointment the office shall then be vacant.

SEC. 5. The Chancellor shall have the qualifications as required of the Circuit Judge, and shall receive the sum of \$2000.00 per annum, which shall be paid in the same manner as the Circuit Judges are paid. He shall hold the office for 8 years from the date of his appointment by the Governor, should his appointment be confirmed by the Senate.

SEC. 6. The Clerks of the Circuit Courts in the Counties wherein Chancery Courts are established by this act, shall be the Clerks of the Chancery Courts in each of the said Counties, and the Sheriffs of each of the said Counties in which Chancery courts are established, shall be Sheriffs of said Courts.

SEC. 7. A special Chancellor may be selected for the same cause and in the same manner as special Circuit Judges are selected, and the regular and special Chancellors shall not be required to reduce their decisions to writing. Should a vacancy occur in the office of Chancellor, the same may be filled by

the Governor from time to time, subject to the confirmation of the Senate as prescribed in section 4.

SEC. 8. In case of absence of the Chancellor from the County, the Circuit Judge or Judge of the County Court of said County may issue writs of injunction or restraining orders, after the complaint has been filed in the office of the Clerk of the Chancery Court of said County, but not before.

SEC. 9. In cases required by law to be transferred from the law side to the equity side; and from the equity side to the law side of the Circuit Court, such cases shall be transferred from the Circuit Court to the Chancery Court, and from the Chancery Court to the Circuit Court in the said counties wherein Chancery Courts are established, and in all equity cases now pending in the Circuit Court of the several Counties herein. It shall be the duties of the several Clerks of the Circuit Courts in said Counties to transfer to the Chancery Court of the respective counties, all the records, books, dockets and docket entries pertaining to the equity side of the Circuit Court in their respective Counties, and they shall become the books, entries, records, dockets and papers of the said Chancery Courts, and be part of the records and proceedings in the cases in which they appertain.

SEC. 10. The said Chancery Courts shall be Courts of record, and have a seal, and until otherwise ordered by the court the seal of the Circuit Court shall be the seal of the Chancery Court. The Chancery Court shall be styled and known as the Chancery Court of the said respective Counties.

SEC. 11. The Chancery Court may adjourn from time to time, and hold adjourned terms, such adjourned terms not to conflict with the regular term of the Circuit Court in their respective Counties.

SEC. 12. All writs, orders, summons and other process issued from the Circuit Court in equity cases in said Counties, shall be returnable to the Chancery Courts in each of the said Counties respectively.

SEC. 13. There shall be two regular terms in each year of the Chancery Court in each of the said Counties and district named herein :

In Chicot County shall convene on the first Mondays in April and September in each year.

In Desha County, county-seat the 3rd Mondays in October and April.

In Watson District on the 1st Mondays in November and May.

In Ashley County on the 2nd Mondays of May and November.

Arkansas County on the 4th Mondays in May and November.

In Drew County on the second Mondays in June and December of each year.

SEC. 14. The Chancery Courts in the several Counties in which they are established shall be held in the same buildings in which Circuit Courts are held, and the several Counties in which said courts are held shall provide and pay the expenses lawfully incurred in the holding of said courts, and it may be certified to be correct by the Chancellor presiding.

SEC. 15. The Chancellors may exchange and hold courts for each other as in cases of Circuit Judges.

SEC. 16. This Act to take effect and be in force from and after its passage.

Approved April 14, 1891.

ACT CLVII.

AN ACT to Regulate Legal Advertising.

SECTION

1. Advertising fees may be taxed as other costs.
2. Advertisements for public officers to be paid out of the State or county treasury.
3. Fees for legal advertising.
4. All advertising to be done in newspapers and in the counties in which proceedings are had.

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5. Proof of publication.
6. Length of time advertisements are to run
7. Not to apply to legal advertising under contract at time of passage of bill.
8. Sections 3274 and 4356 to 4363 inclusive Mansfield's Digest repealed.
9. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. When any notice or advertisement relating to any cause, matter or thing in any court of record, shall be required by law or the order of any court to be published, the same when duly published shall be paid for by the party at whose instance it was published, which payment or so much thereof as is deemed reasonable, may be taxed as other costs otherwise allowed by the proper courts in the course of the proceedings to which such advertisement relates.

SEC. 2. When any such advertisement shall be made by a public officer, thereunto authorized by law, the reasonable expense thereof shall be allowed and paid out of the State or County Treasury, as other demands and charges of a like nature.

SEC. 3. When any law, proclamation, advertisement, order or notice shall be published in any newspaper for the State or for any officer on account of the State, or for any County or for any officer on account of any County, or for any legal advertisement for any individual, there shall not be allowed for such publication a higher rate than one dollar per square of ten lines (two hundred and sixty-eight ems) of nonpareil type for the first insertion, and fifty cents per square for each subsequent insertion, fractional squares and parts of squares to be counted as whole squares, *Provided*, That the fees for advertising the sale of delinquent lands shall be 25 cents for each tract or town lot advertised to be sold for delinquent taxes, and the fee for the advertising of notices of settlement of administrators, guardians and executors with the Probate Court shall be one dollar (\$1.00) each for each estate.

SEC. 4. All advertisements and orders of publications required by law, or the orders of any court, or in conformity with any deed of trust, or mortgage, or power of attorney, or administrators notices, to be made, shall be published in some

newspaper published and circulated in the County in which the proceedings are had, to which such advertisements or orders of publication shall pertain, if there be one, and if there be no newspaper published in such County, then in some newspaper published the most convenient thereto having a bona fide circulation therein.

SEC. 5. When any notice or other advertisement shall be required by law or the order of any court to be published in any newspaper or made in conformity with any mortgage, deed of trust, power of attorney, or administrators notices, the affidavit of the editor, proprietor, manager or chief accountant, with a copy of such advertisement annexed, stating the number of times and the date of the papers in which the same was published, shall be sufficient evidence of the publication; *Provided*, That no editor, proprietor, manager or chief accountant shall be required to make such affidavit until his legal fees and cost of affidavits are paid.

SEC. 6. Where any legal advertisement or notice is required by law to be published and no definite time is given for the same to run, it shall be construed to mean once a week for four consecutive weeks; but when a definite time is specified it shall be construed to mean once a week during the time so specified.

SEC. 7. Nothing in this act shall apply to legal advertisements in pursuance to contracts made prior to the passage of this act.

SEC. 8. That sections 3274 and 4356 to 4363 inclusive of Mansfield's Digest, and all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 9. That this act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

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ACT CLVIII.

AN ACT to Authorize County Courts to Establish Fencing Districts and to Provide for the Erection of Fencing and for Other Purposes.

SECTION

1. County courts authorized on a petition of two-thirds of the legal voters of any township, or fractional part thereof contiguous to each other, to establish fencing districts
2. County court to appoint three persons as a fencing board.
3. The members of the board to take an oath.
4. If any person so appointed fails to take the oath, another shall be appointed.
5. Board to elect a chairman. Vacancies how filled.
6. A majority a quorum.
7. Board to make plans for fencing and gates and may employ engineers and other agents.
8. Land defined.
9. Board to file estimate of cost of fencing with county court and court to assess same again the lands.
10. If cost exceeds one per centum assessment shall be paid in annual installment not to exceed one per centum. Order to fix date of payment of assessment.
11. Cost of keeping fence in repair shall be ascertained yearly. Order may be revoked but not to interfere with debts already contracted.
12. Board to provide gates and fastenings.
13. Form of order.
14. Order to be published in a newspaper. Persons aggrieved may commence legal proceedings.
15. County Clerk to deliver copy of the assessment and warrant to collector.
16. Collector to have such tax list published in a weekly paper and by posters.
17. Fences already up may be used if up to the standard, and owners allow a credit for the material if fences is not up to the standard. Owner may build his own fence.
18. If assessment is not paid within required time a penalty of 25 per cent. to be added and tax may be enforced.
19. Not necessary to file copy of order with complaint.
20. In suits same to be had as for local improvements in cities of the first-class.
21. Board to appoint a collector and treasurer who shall give bond and take an oath.
22. Same person may be treasurer or collector of one or more district, but money to be kept separate.
23. Collector to settle with treasurer monthly.
24. Treasurer to pay out money on warrant of the chairman.
25. Power of board.
26. Unlawful to turn stock in enclosure.
27. Penalty for leaving gates open or tearing down any fence.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the County Court of any County in the State shall be and is hereby authorized, empowered and required, on the petition of two-thirds of the legal voters of any township or townships, or fractional parts thereof contiguous to each other, to form and establish a fencing district and establish the boundaries thereof in accordance with the petition, and each district shall be designated by number.

SEC. 2. Immediately upon the formation of such district the County Court shall appoint three persons, and owners of land therein, who shall compose the Fencing Board of such district, *Provided*, If the petition for the formation of such district names the persons to be appointed as the Fencing Board the County Court shall appoint the persons named in the petition.

SEC. 3. Each member of the Board shall within ten days after his appointment, take the oath of office required by section 20 of article 19 of the Constitution of this State, and that he will not, either directly or indirectly, be interested in any contract made by the Board, which oath shall be filed in the office of the County Clerk.

SEC. 4. If any member of the Board shall fail to take such oath, and to file the same in the office of the County Clerk within the time allowed herein, he shall be taken to have declined the office and the County Court shall at once appoint another person having the like qualifications in his place, who shall take and file the oath of office within ten days after his appointment.

SEC. 5. The Board shall elect one of their number chairman. Vacancies that may occur after the Board shall have organized shall be filled by appointments made by the remaining member or members; but if all the places on the Board become vacant, or if those appointed shall, after qualification, refuse or neglect to act, new members shall be appointed by the court as in the first instance. The members of the Board shall receive no compensation for their services.

SEC. 6. A majority of said Board shall constitute a quorum for the transaction of business, and the performance of the duties enjoined by this act.

SEC. 7. Immediately after their organization the Board shall form plans for the building of a good and lawful fence and all necessary gates to enclose and protect said district, and shall procure estimates of the cost thereof. For this purpose

the Board may employ such engineers, surveyors and other agents as may be needful, and may provide for their compensation, which, with all other necessary expenditures, shall be taken as a part of the cost of the fencing. If for any cause the improvement shall not be made, said cost shall be a charge upon the land in the district, and shall be raised and paid by assessment in the manner hereinafter prescribed.

SEC. 8. The word "land," whenever used in this act, shall have the same meaning and signification as are attached to the words "real property" in the act providing for the collection of State County, and City revenue.

SEC. 9. As soon as said Board shall have formed said plan and shall have ascertained the cost of the fencing, it shall report the same to the County Court, which shall at once by order, assess said cost upon the land in said district, assessing each parcel of land according to its value as shown by the last County assessment on file in the office of the County Clerk.

SEC. 10. If the estimated cost of the fencing shall exceed one per centum of the assessed value of the land as aforesaid, then it shall be provided by the order that the assessment shall be paid in successive annual installments, so that no assessment shall in any one year exceed one per centum of the assessed value of said land for such fencing. The order shall fix the day in each year when the assessment for the year shall be paid, and the day fixed for the payment of the first installment shall not be later than sixty days from the date of the order making the assessment.

SEC. 11. The cost of keeping said fence in repair shall from year to year be ascertained, collected and expended in the same manner as is herein provided as to the cost of the original erection of said fence. But the County Court shall be authorized, on the petition of two-thirds of the land owners of said district to revoke the order whereby such district was established. *Provided*, No such order of revocation shall in any way interfere with or prevent the assessment and collection of all sums needed to pay all debts contracted by the Fencing Board prior to the order of revocation.

SEC. 12. The Fencing Board shall provide for openings and gates with good and convenient fastenings on all public highways or necessary roads, and at such other points along the enclosing fence as they may deem advisable.

SEC. 13. The order of the court assessing the cost of the fencing may be in the following form:

WHEREAS, Two-thirds of the legal voters of Fencing District No. ——— have petitioned for the formation of said district; and,

WHEREAS, Said district has been formed and established by order of this court on said petition, and a Fencing Board for said district have been appointed, and have qualified, and have reported to the court an estimate of the cost of fencing said district; and,

WHEREAS, The estimated cost of said fencing is ——— dollars, amounting to ——— per centum of the assessed value of said real property; therefore it is now ordered and adjudged by the Court that all the land situated in said district be assessed at the rate of ——— per centum upon the dollar of the assessed valuation, as the same appears by the assessment made by the Assessor of this County, now on file in the County Clerk's office, which assessment shall be paid on or before the ——— day of ———, 18—; and such assessment shall be a charge against and lien upon the lands in said district from the date of said order.

SEC. 14. Within seven days from the making of the order mentioned in the last section of this act, the County Clerk shall publish a copy of the same in some newspaper published in the County, one time, if a newspaper be published in the County; and if not, then by posting said copy at the court house door, and by posting not less than ten copies thereof in the district; and any one who may feel aggrieved thereby may object to the assessment; and such person shall commence legal proceedings for the purpose of trying the validity of said assessment within twenty days after the date of publication, or else he shall be forever barred in all courts of law or equity

from questioning the validity of the assessment and the lien created thereby.

SEC. 15. Immediately after the making the order, the County Clerk shall make out, at the expense of the district, a copy of so much of the last assessment made by the County Assessor as contains the description and valuation of the land situated in the district, and shall extend against each parcel of land thereon the assessment so made, and shall deliver it, with his warrant thereto attached, to the Collector of the district, within thirty days from the making of the order, which warrant may be in the following form :

State of Arkansas to the Collector of Fencing District No.—:

You are hereby commanded to collect from the owners of land described in the annexed list the assessments thereon extended, and to pay them to the Treasurer of the district within sixty days from this date.

Witness my hand and official seal on this ——— day of ———, 18—.

SEC. 16. The Collector shall immediately upon the receipt of the said tax list, cause to be published in some newspaper published in the County, if one be there published, a notice which may be in the following form :

SPECIAL ASSESSMENT.

The tax book for the collection of the special assessment upon the land in Fencing District No. ——— has been placed in my hands. All owners of land lying in the district are required to pay their assessment to me within thirty days from this date. If such payment is not made, action will be commenced at the end of that time for collection of said assessments, and for legal penalties and costs.

Given under my hand this ——— day of ———, 18—. _____Collector.

Said notice shall also be published by posting ten copies thereof in said district.

SEC. 17. If in the construction of the fence of said district any owner of land in the district shall be found to have built a

fence which may be profitably made a part of the general fence for the district, being also as good as that required by the system determined upon by said Fencing Board, and the Board shall appraise the value of the fence made by the owner and shall allow its value as a set-off against the assessment against his land. And in case the fence made by such owner shall be found to fail to come up to the required standard, the Board may allow the owner the value of the materials thereof, so far as the same may be profitably used in perfecting the fence of the district, as a set-off against the assessment against his land. In such cases the Board shall issue to the owner a certificate showing the amount of the set-off allowed, which certificate shall be received by the Collector for the amount named therein in lieu of money charged against the holder's land. *Provided*, If each land owner in the district shall build and maintain his proportionate share of the fence required to make a good lawful fence for said district, in accordance with the plan determined upon by the Fencing Board, and the assessment provided for in this act need not be made or collected.

SEC. 18. If any assessment made under this act shall not be paid within the time mentioned in the notice published by the Collector, the Collector shall add thereto a penalty of twenty per centum, and shall at once return a list of the property on which the assessments have not been paid to the Fencing Board, as delinquent; and the Board shall straightway cause a complaint in equity to be filed in the court having jurisdiction of suits for the enforcement of liens upon real property, for the condemnation and sale of such delinquent land for the payment of said assessment, penalty and cost of suit, in which complaint it shall not be necessary to state more than the fact of the assessment, and the non payment thereof within the time required by law, without any other further statement of any step required to be taken by the court, or the Board, or any other officer whatever, concluding with a prayer that the delinquent lands be charged with the amount of such as-

assessment, penalty and costs of suit, and be condemned and sold for the payment thereof.

SEC. 19. It shall not be necessary to exhibit with the complaint any copy of any order of court or other document or paper connected with the assessment and collection of moneys assessed under this act, and it shall be no objection to any suit brought for said purpose, that the lands of two or more owners are joined in the same proceeding, and such suit may be brought against one or more owners.

SEC. 20. In such suits the same service shall be had on defendants, and the case shall proceed in the same manner as is now provided by law in cases of suits for the collection of assessments for local improvements in cities of the first class, so far as the same proceeding can be made applicable, and in case of sale the owner shall have the same right of redemption by paying the amount of the purchase money and all assessments to the purchaser and twenty per centum thereon, within one year from the date of sale.

SEC. 21. The Fencing Board shall appoint the Collector and Treasurer of district, who shall take the oath of office required by section three of this act, and shall execute bond to the Chairman of the Board, each in a sum at least equal to twice the amount of moneys which will probably come to their hands, with good and sufficient security, to be approved by the Board, conditioned that they will faithfully discharge the duties of their office, and account for and pay over all moneys that may come to their hands according to law, and the order of the Fencing Board for the district for which they were appointed.

SEC. 22. The same person may be Treasurer or Collector of one or more of the districts of the County, but the moneys of the different districts shall be kept separately.

SEC. 23. The Collector shall pay over to the Treasurer on the 1st of each month all moneys received by him, deducting therefrom three per centum for his services, and shall take du-

plicate receipts therefor, one of which he shall file with the Board.

SEC. 24. The Treasurer shall pay out no moneys save upon the order of the Board and upon a warrant signed by the Chairman thereof. He shall be allowed a commission of one per centum on all sums by him lawfully paid out.

SEC. 25. The Fencing Boards shall have control of the construction of the fence for their districts. They may advertise for proposals for doing any work by contract and may accept or reject any proposals. All contractors shall be required to give bond for the faithful performance of such contracts as may be awarded them, with good and sufficient securities in double the amount of the contract work. Such bond shall be given to the Fencing Board, and suits may be brought thereon in the name of the Board, but the sum recovered shall be for the use of the district for which such bond was given.

SEC. 26. After any fencing district has been enclosed by a good and lawful fence, it shall be unlawful for any person who is the owner, or who has control of any kind of stock, to let the same run at large in said district, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than one nor more than fifty dollars, and in addition to the above fine, shall be liable for double the amount of any damages that any person may sustain by reason of said stock running at large in said district, to be recovered by action before any court having competent jurisdiction. *Provided*, That this section shall not prohibit any person from fencing his or her lands, or any part thereof, separately, and pasturing the same.

SEC. 27. Any person who shall wilfully leave open or unfastened any gate, bars or other passway leading into said district, or who shall tear down said fence, or any part thereof, or in any manner injure or destroy the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided in section twenty-six of this act; and in addition

thereto shall be liable to the Fencing Board for double the amount of damages done to said fence, and shall also be liable to any person in double the amount of any damage caused him by such act.

SEC. 28. This act shall take effect and be in force from and after its passage.

Approved April 15, 1891.

ACT CLIX.

AN ACT to Amend Sections 1311 1313 and 4497 of Mansfield's Digest of the Statutes of Arkansas.

SECTION

1. Amends section 1311 Mansfield's Digest. Damages may be awarded upon final decree on debts which have been superceded..
2. Amends section 1313 Mansfield's Digest. Supreme court reverse, affirm or modify.
3. Amends section 4497 Mansfield's Digest. Plaintiff may commence new suit in certain cases.
4. Conflicting laws repealed and act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section 1311 of Mansfield's Digest of the Statutes of Arkansas be so amended as to read as follows: Upon affirmance of a judgment, order or decree for the payment of money, the collection of which in whole or in part has been superceded as provided in this chapter, ten per centum damages on the amount superceded may be awarded at the discretion of the court against the appellant, in cases where said appeal was taken for delay.

SEC. 2. *Be it further enacted,* That section 1313 of Mansfield's Digest of the Statutes of Arkansas be so amended as to read as follows: The Supreme Court may reverse, affirm or modify the judgment or order appealed from, in whole or in part and as to any or all parties, and when the judgment or order has been reversed the Supreme Court may remand or dismiss the cause and enter such judgment upon the record as it may in its discretion deem just. *Provided,* That when a

cause is reversed and remanded the mandate must be taken out and filed in the court from which the appeal was taken by the plaintiff within one year from the rendition of the judgment reversing the cause; and immediately upon the expiration of the period of one year after the judgment of reversal is entered when the mandate is not taken out, the clerk of the Supreme Court shall upon application of the party entitled thereto issue an execution for all costs accrued up to the date of reversal in the Supreme Court and in the court from which said cause has been appealed.

SEC. 3. *Be it further enacted*, That section 4497 of Mansfield's Digest of the Statutes of Arkansas be amended so as to read as follows: If any action shall be commenced within the time respectively prescribed in this act, and the plaintiff therein suffer a non-suit, or after a verdict for him the judgment be arrested, or after judgment for him the same be reversed on appeal or writ of error, such plaintiff may commence a new action within one year after such non-suit suffered or judgment arrested or reversed, *Provided*, That if after judgment for plaintiff the same be reversed on appeal or writ of error and said cause is remanded for another trial the mandate shall be taken out and filed in the court from which the appeal is taken within one year from rendition of the judgment of reversal; otherwise said cause shall be forever barred; and if the cause of such action survive to his heirs or survive to his executors or administrators; they may in like manner commence a new action or take out a mandate within the time allowed such plaintiff.

SEC. 4. That all laws in conflict with this act are repealed, and this act shall take effect and be in force from and after its passage.

Approved April 14, 1891.

ACT CLX.

AN ACT to Require Insurance Companies to File Bonds with the Auditor of State.

SECTION

1. Amends section one of "An act requiring Insurance Companies to execute a bond before doing business in this State and to facilitate the collection of claims against such companies" approved March 6th, 1891. Bond required except from fraternal orders.
2. Act in force one year from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That section one (1) of an act entitled "An act requiring Insurance Companies to execute a bond before doing business in this State, and to facilitate the collection of claims against such companies" approved March 6th, 1891, be so amended as to read as follows:

That all Fire, Life or Accident Insurance Companies, individuals or corporations now or hereafter doing an Insurance business in this State, shall in addition to the duties and requirements now prescribed by law give a bond to the State of Arkansas, in the sum of twenty thousand dollars with not less than three good and sufficient sureties, to be approved by the Auditor of State and filed in his office conditioned for the prompt payment of all claims arising and accruing to any person by virtue of any policy issued by any such company, individual or corporation. *Provided*, That nothing in this act shall be so construed as applying to Fraternal orders insuring the lives of their members.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved April 22, 1891.

ACT CLXI.

AN ACT to Enable the Owners of Lands to Drain and Reclaim them When the Same Cannot be Done Without Affecting the Lands of Others, Prescribing the Powers and Duties of County Courts and Other Officers in the Premises and to Provide for the Repair and Enlargement of Such Drains.

SECTION

1. County court may have ditches or drains constructed.
2. A petition and bond to be filed. County court to appoint viewers.
3. Lands benefited by ditch to be assessed.
4. Viewers may vary line of ditch from description in petition.
5. Report of viewers.
6. Clerk to advertise if report in favor of ditch and mail copy to non-resident.
7. County court to hear petition and decide.
8. Remonstrance may be filed and reviewers appointed.
9. Duty of reviewers.
10. Clerk to record report of reviewers and charge all cost to party remonstrating, if action of viewers is sustained.
11. If reviewers make changes costs to be taxed as part of the total cost of work.
12. Court to establish ditch if report of reviewer is favorable.
13. Viewer to apportion the cost of construction, and other compensations, specify time of payment and make report. Collector to collect same.
14. Persons aggrieved may appeal on certain grounds.
15. If more than one person appeals, cases to be consolidated.
16. County clerk to let contract to lowest bidder after advertising. Contractor to give bond.
17. Contracts may be relet if not completed in time required, or further time may be granted.
18. Surveyor to inspect and receive or reject work; and give certificates, same to be a lien on land. If allotment belongs to a non-resident, clerk to charge amount on tax books, to be collected as other taxes and 6 per cent. interest
19. Ditch to be kept clear of obstructions. On complaint county surveyor to examine.
20. If ditch extends into two or more counties, petition to be signed by landowners in each county. Clerk to transmit copy of petition to clerk of each county, and county judge of each county to appoint viewers to act jointly.
21. Joint ditches to be governed by same rule as ditches in one county.
22. Joint ditches to be cleaned and repaired in same manner as ditches in one county.
23. Remonstrances may be filed against joint ditches and go through same proceedings as ditches in one county.
24. If ditch benefits a road, turnpike or railroad, part of cost may be apportioned to them.
25. Penalty for obstructing ditches.
26. Sheriff to serve orders.
27. Fees and how paid.
28. A majority of viewers may perform duty.
29. Regular session and the word ditch defined.
30. Assessments to be a lien on land.
31. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the County Court of any County shall have power at any regular session where the same shall be conducive to the public health or welfare, or when the same will be of public benefit or utility, to cause to be constructed as hereinafter provided, any ditch or drain within said County.

SEC. 2. That before the County Court shall establish any ditch or drain there shall be filed with the County Court of

such County a petition signed by one or more of the land-owners whose land will be liable to be affected by or assessed for the expense of construction of the same, setting forth the necessity thereof, with a general description of the proposed starting point, route and terminus, and shall give a bond with good and sufficient sureties, payable to the State of Arkansas, to be approved by the County Clerk, conditioned to pay all expenses in case the County Court shall fail to establish said proposed ditch or drain. As soon as said petition is filed said court shall if in regular session, or at the next regular session, appoint three resident freeholders and householders of the County not interested in the construction of the proposed work, and not of kin to any of the parties interested therein, as viewers to meet at a time and place specified by said court, preparatory to commencing their duties as hereinafter specified; and it shall be the duty of the Clerk thereupon to issue to said viewers a certified copy of the petition and order of the court, who shall proceed at the time set in said order with a competent surveyor, and shall make an accurate survey of the line of said ditch or drain from its source to its outlet, and they shall place stakes or monuments along said line numbered progressively down stream at each one hundred (100) feet, and they shall make a computation of the total number of cubic yards of earth to be excavated and removed from said ditch or drain, and an estimate of the total cost of construction of the whole work; and they shall set apart and apportion to each parcel of land and to each corporate road or railroad, and to the County when public highways are benefited, a share of said work in proportion of the benefits which will result to each from such improvements, and give the location of each share, its length in feet, and the estimated number of cubic yards of earth to be removed, and the price per cubic yard, and the cost of the construction of each share or allotment separately, and specify the manner in which the work shall be done. And they shall accurately describe each parcel of land to be assessed for the construction

of said ditch or drain, giving the number of acres in each tract assessed and the estimated number of acres benefited, and the amount that each tract is assessed therefor; and they shall in tabular form give the depth of cut, width at bottom and top, at the source, outlet and at each one hundred (100) foot stake or monument of said ditch or drain, and they shall also ascertain and give the names of the owners of the lands that are assessed for the construction of said ditch or drain as far as they can be ascertained with reasonable inquiry, and report also whether or not the proposed ditch or drain will be of public utility.

SEC. 3. All lands benefited by a public ditch or drain shall be assessed in proportion to the benefits, for the construction thereof, whether it passes through said land or not, and the viewers in estimating the benefits to lands not traversed by said ditch shall not consider what benefits such lands will receive after some other ditch or ditches shall be constructed, but only the benefit that will be received by reason of the construction of the public ditch as it affords an outlet for the drainage of such lands.

(Amended by Act 1899 p. 318 (amended 1205-))

SEC. 4. In locating a ditch or drain the viewers may vary from the line described in the petition as they deem best; *Provided*, They commence the ditch at the point described in the petition and follow the line therein as near as practicable; and, *Provided further*, That when there is not sufficient fall in the length of the route described in the petition to drain the lands adjacent thereto, they may extend the ditch below the outlet named in the petition far enough to obtain a sufficient fall and outlet; and when it will not be detrimental to the usefulness of the whole work, they shall, so far as practicable, locate the ditch on the division lines between lands owned by different persons, and they shall, so far as practicable, avoid laying the same diagonally across the lands, but they must not sacrifice the general utility of the ditch to avoid diagonal lines; and all persons whose lands may be affected by said ditch may appear

before said viewers and fully express their opinions on all matters pertaining thereto.

SEC. 5. Said viewers may, after having met at the time and place specified in the order issued to them by the Clerk, proceed immediately to perform their said duties or adjourn from time to time, as best suits their convenience, and file their report with the Clerk at least two (2) weeks before the next regular meeting of the County Court; and if the viewers find the proposed ditch or drain not of public benefit or utility they may report against the location of the same, in which case their report need only state that they find the proposed ditch or drain not to be of public benefit or utility.

SEC. 6. It shall be the duty of the Clerk, on said report being filed, if it be in favor of the proposed work, to cause a notice to be given by posting three (3) written copies of said notice in three public places in the township or townships where the proposed work is located, and one at the door of the court house in said County, of the pendency of said petition and the time set for the hearing thereof, which said notice shall state where said ditch commences and its source, through whose land it passes, and where it terminates at its outlet, together with the names of the owners of the lands that will be affected thereby, so far as they can be reasonably ascertained, and at the same time the Clerk shall mail a copy of the same to all non residents whose address is known to him or can be ascertained at his office.

SEC. 7. Said County Court, at the time set for the hearing of said petition, shall, if there is no remonstrance filed, proceed to hear said petition, and if he finds that the viewers' report is made in accordance with the provision of this act, and be in favor of the proposed work, and he finds the proposed drain to be of public utility or conducive to public health or of public benefit or convenience, he shall establish the same as specified in the report. But if the viewers report against the proposed work the court shall dismiss the petition and tax the costs as hereinafter provided.

SEC. 8. It shall be lawful for any person interested in the location of said proposed ditch to file with the County Court at or before the time set for the hearing of the petition, a remonstrance against the ditch as located by the viewers on and across his lands, by setting forth his or her grievances therein, and any person deeming their assessment too high may remonstrate for such reasons against the actions of the viewers; any persons filing a remonstrance shall file with the same a bond payable to the State of Arkansas with good sureties, condition for the payment of all costs and expenses caused by such remonstrances, if the action of the viewers be sustained by viewers to be appointed as hereinafter provided, such bond to be approved by the court; and thereupon said court shall appoint three disinterested resident freeholders and householders of the County not of kin to any person interested in the proposed work, as viewers, to meet at a specified time and place, preparatory to commencing said review, and it shall be the duty of the County Clerk thereupon to issue said reviewers a certified copy of the petition and remonstrance and order of the court appointing such reviewers.

SEC. 9. Such reviewers shall meet at the time and place specified in the order issued to them by the Clerk and proceed to review the action and report of the viewers, as well as the entire premises through which the proposed work extends, and shall be vested with all power granted to the viewers originally, except that if they find the proposed work of public benefit or utility they shall not change the line of the ditch or drain as located by the viewers at any other place or places than those complained of in the remonstrance, and then only far enough to do justice to the party or parties remonstrating; and they shall, before commencing said review, obtain from the Clerk the report of the viewers, which they shall carefully preserve and return to the Clerk when they have completed their review; and they shall file with the Clerk a report of their proceedings in the premises, after having sworn to the same, at any time before the next regular meeting of the court; and if

the reviewers sustain the action of the viewers, and make no change in the proposed work, their report need only state that after having made full, examinations of the viewers' report, as well as the entire premises through which the proposed work extends, they find the action of the viewers just and correct, and that they sustain and approve the action of the viewers and their report.

SEC. 10. Upon the filing of the report of the reviewers as required by the preceding section, the Clerk shall, when the County Court convenes in regular session, record the same together with the proceedings had in the matter of the petition and if said reviewers sustain and approve the action of the viewers without change, all costs occasioned in consequence of the filing of the remonstrance shall be taxed against the parties remonstrating, upon their bond, and a fee-bill shall issue thereon by the Clerk and be collected as provided by law.

SEC. 11. If the reviewers find the proposed work of public benefit or utility and do not sustain the entire action of the viewers, but make changes in favor of the remonstrance, the costs occasioned in consequence of the filing of the remonstrance shall be taxed as a part of the total cost of the work as the same is taxed against the parties benefitted in proportion to their benefits, and if the reviewers find the proposed work not of public benefit or utility, the entire cost shall be taxed against the petitioners and collected as provided in section ten of this act.

SEC. 12. Upon the filing of the report of the reviewers the Court shall, if it finds such report made in accordance with the provisions of this act, establish the same as described in the report of the viewers as it finds the same sustained, corrected or changed in the report of the reviewers.

SEC. 13. Whenever the County Court establishes a public ditch or drain the Court shall order the viewers, if the same is established without remonstrance according to the viewers' report or the reviewers, if the same is established according to their report, to meet at a time and place specified after a lapse

of ten (10) days and make a final report, in which they shall specify the time in which each share or allotment of the ditch shall be constructed and completed, and they shall apportion the cost of the location thereof, including all fees and compensation, to the laborers who assisted the viewers in making out the ditch, and award to each person or persons or corporation owning the land assessed for the construction of said work their proportionable share of said cost, and shall specify the time in which such cost and expenses shall be paid to the County Treasurer and file their report with the Clerk, after having subscribed and sworn to the same; and it shall be the duty of the viewers and reviewers to file their report all accounts of and the names of the laborers and time each was employed by them; and all compensation allowed by this section shall be collected by the County Collector as other taxes are collected, and the compensation paid out when collected on order from the County Clerk to the parties entitled thereto.

SEC. 14. Any person or corporation aggrieved thereby may appeal from any final order or judgment of the County Court made in the proceedings and entered upon the record determining either of the following matters, to-wit: First, Whether the said ditch will be conducive to the public health, convenience or welfare. Second, Whether the route thereof is practicable. Third, Whether the assessments made for the construction of the ditch are in proportion to the benefits to be derived therefrom. And the appellant shall file with the Clerk an appeal bond with good surety to be approved by the Clerk; conditioned that he will duly prosecute such appeal and pay all costs that may be adjudged against him in the Circuit Court. *Provided*, That such appeal bond be filed within twenty (20) days after such final order or judgment of the County Court is made; and after the elapse of twenty days no appeal can be taken, and if an appeal be staken the Clerk shall withhold his notice to the viewer or reviewers to make their final report and he shall within ten days after the appeal bond is filed make a complete

transcript of the proceeding had before the County Court and of such appeal bond, and certify the same, together with all papers filed in his office pertaining to such proposed work, to the Clerk of the Circuit Court.

SEC. 15. If more than one party appeal the Judge of the Circuit Court shall order the cases to be consolidated and tried together, and the rights of each party shall be separately determined by the jury in its verdict.

SEC. 16. As soon as the final report of the viewers or reviewers is filed the County Clerk shall let the jobs of digging and constructing each share or allotment separately of the entire work. And he shall give notice for three consecutive weeks, by posting three written copies of such notice in three of the most public places in the vicinity of the proposed work, and one at the door of the court house in said County, of the time when and place where he shall let to the lowest responsible bidder or bidders, each and every share or allotment thereof, commencing with the one including the outlet and thence in succession to the one including the source or beginning, and no bid shall be entertained which exceeds more than 20 per cent. over and above the estimated cost of the construction in any case. And the Clerk shall contract with the party or parties to any number of shares or allotments, if let requiring him or them to construct such share or shares in the time and manner set forth in the report of the viewers or reviewers on which the ditch is established, and shall take from him or them a bond with surety payable to the State for not less than double the amount for which the same was let, to be by him approved, conditioned that he or they will faithfully perform and fulfill their contract and pay all damages which may accrue by reason of the failure to complete the job within the time required in the contract therefor.

SEC. 17. A job not completed within the time fixed in the contract or bond shall be re-let by the County Clerk to the lowest responsible bidder, but shall not be let for a sum exceeding twenty per cent. above the estimated value of such

work, nor a second time to the same party. A contract and bond shall be entered into as hereinbefore provided, but the Clerk may, for good cause shown, give further time to any contractor not exceeding sixty (60) days; the Clerk shall fix a time for the completion of the work re let not exceeding sixty days from the date of the bond, and no contractor shall be prosecuted on their bond until the section below is completed.

SEC. 18. It shall be the duty of the County Surveyor, or the surveyor who assisted the viewers or reviewers, on being notified by any contractor that their job is completed, to inspect the same, and, if he find that it is completed according to contract, he shall accept it and give the contractor a certificate of acceptance, stating that said job or allotment is completed according to the specification of the said contract, and if any share or allotment has been sold to any person or persons not the owners of the land assessed therefor, he shall, in addition, state the amount due the contractor for contracting the same from the owner of the said land, which certificate shall be a lien upon the land assessed for such share or allotment, and shall be due and payable immediately by the owner of the land; and such certificate, if not paid on demand, shall draw interest until paid. And if the allotment sold belongs to a non-resident of the County, the Clerk shall state such fact when he offers it for sale, and when the Surveyor accepts it and issues his certificate of acceptance, he shall file with the County Clerk a copy thereof, whereupon said Clerk shall charge the amount mentioned in said certificate on the tax books of the County against the lands assessed with such allotment, to be collected as other taxes are collected, together with six per cent. for the holder of the certificate after the same becomes delinquent and when collected it shall be paid to the person holding the certificate on the order of the County Clerk.

SEC. 19. Every person or corporation through whose land any public ditch is constructed shall be required to keep the same open, free and clear of all obstruction upon his or its premises by him or it placed therein, and in case of failure to

do so shall be liable to pay all reasonable and necessary expenses of removing such obstruction. A person or corporation aggrieved by any such obstruction may make sworn statement of the fact to the County Surveyor, who shall proceed to examine the premises and inquire into the truth of the statement, and if he find the statement to be true he shall immediately notify the owner of the land on which such obstruction exists to remove the same within a reasonable time, not exceeding twenty days; and if the owner so notified fails to remove the obstruction the Surveyor shall at once cause the same to be removed at the expense of such owner, and certify such expense to the County Clerk, who shall place the same, together with all fees and expenses in the case, on the tax books, as an assessment on the lands of such person or corporation, and the same shall be a lien upon such lands and shall be collected as other taxes.

SEC. 20. Whenever the route of a proposed ditch or drain extends into two or more Counties, the petition shall be signed by one or more of the land owners in such County whose land will be liable to be assessed for the construction of such ditch, and filed with the Clerk of the County containing the head or source of the proposed ditch at least ten days before any regular sitting of said Court; and thereupon the Clerk of such County shall transcribe and transmit to the Clerk of each other County interested a certified copy of such petition; and it shall be the duty of the County Court of each County interested in the proposed work, at their first regular session after such petition is filed, to appoint three disinterested freeholders and householders of their respective Counties as viewers, as in like manner provided for the appointment of viewers on a ditch in but one County, to meet and act conjointly at such time and place as the County Court of the County where the petition is filed may designate, and such joint viewers shall have the same powers and perform the same duties as provided in this act for the viewers on a ditch in one County, and they shall file a report of their proceedings with the Clerk of each of the

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Counties interested at least three weeks before the next regular session of the County Court whereupon the Clerk of each County shall give notice for two consecutive weeks in the manner provided for ditches in but one County of the pendency of such petition and the time set for the hearing thereof.

SEC. 21. The County Court of the Counties interested in a joint ditch shall, at the time set for the hearing of said petition, proceed to establish the same in the manner specified for ditches in but one County, and in all matters pertaining to such joint ditch the County Court shall act in the same manner, as far as applicable, as required by this act for establishing ditches in but one County, and they shall act conjointly; and when such ditch is established the viewers shall be notified, as before provided in this act, to make their final reports, and upon the filing of such final reports, the shares or allotments of such ditch shall be sold and constructed as hereinbefore provided for ditches in but one County, except that the Clerks of the Counties interested shall act together as one body in performing their duties.

SEC. 22. Such joint ditches shall be cleaned and repaired or enlarged in like manner as for ditches in but one County, by the joint action of the public officers of the Counties interested.

SEC. 23. It shall be lawful for any person or corporation affected by a proposed ditch extending into more than one County to file a remonstrance with the Clerk of the County in which he resides at least five days before the term of the County Court when the petition is to be heard, and when such remonstrance has been filed and a bond for costs as provided for ditches in but one County, the Clerk shall immediately transcribe and transmit a copy of such remonstrance and bond to the Clerks of all other Counties interested, and then in like manner as hereinbefore provided, the County Court shall appoint reviewers who shall meet and act together and perform their duties as provided for reviewers in one County, and file a report of proceedings with their respective County Courts at or

before their next regular meeting; and upon the filing of such report the Court shall if the reviewers report the proposed work of public benefit or utility, establish the same and it shall be constructed, cleaned and repaired or enlarged by the joint action of the proper officers in the different Counties as though it had been established on the report of the viewers and without remonstrance: and it shall be the duty of the Clerk of the County in which the time and place for the meeting of the viewers or reviewers is fixed to notify the Clerks of the other Counties interested of such time and place for the joint viewers or reviewers to meet.

SEC. 24. When any ditch established under this act drains either in whole or in part any public or corporate road or railroad, or benefits any of such roads so that the roadbed or traveled track of any such road will be made better by the construction of such ditch, the viewers or reviewers shall apportion to the County if a County, State or Turnpike road to the company; if a corporate road or railroad, such portion of the cost and expenses thereof as to private individuals, and require them to pay said costs and perform said labor in like manner as individuals.

SEC. 25. If any person shall wilfully obstruct any public ditch or shall wilfully divert the water from its proper channel, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five nor more than one hundred dollars, and shall also be liable for any and all damages accruing to any person or persons or corporation by such act.

SEC. 26. The orders issued by the Clerk to viewers or reviewers shall be served by the Sheriff and he shall be paid for such services the same fee as he is allowed by law for similar services.

SEC. 27. The Surveyor shall be allowed a sum not to exceed five dollars per day for every day he is necessarily engaged in performing the duties required of him by this act, which sum shall be paid to him quarter-annually out of the

county treasury upon his filing before the County Court an itemized account of his services, verified by oath, and the cost of publishing the notices of jobs to be let by the Clerk, and of all blanks and stationery required by him in the performance of his duties shall be paid by the County. The viewers and reviewers shall each be allowed one dollar and fifty cents per day for each and every day they are necessarily engaged in viewing and reviewing ditches and making up and filing their reports, which sum shall be paid to them out of the county treasury. Each chainman, axman, rodman, and all other hands necessary to the prompt execution of the work of locating a public ditch, shall be allowed one dollar per day for the time actually engaged, to be paid as hereinbefore provided.

SEC. 28. A majority of the viewers or reviewers shall be competent to perform the duties required of them by this act; *Provided*, That for ditches extending into more than one County there shall be present and acting a majority from each County interested.

SEC. 29. The terms Regular Session and Regular Meetings of the County Court as used in this act, shall be held to include only the regular sessions of such court, commencing on the first Monday of January, April, July and October of each year, and the word ditch as used in this act shall be held to include all water drains, and the petition for any public ditch may include any side lateral, spur or branch ditch necessary to secure the object of the improvement.

SEC. 30. The amount of assessment made by the viewers and confirmed [confirmed] by the County Court shall be a lien upon the lands so assessed from the date of the order from the court establishing the ditch or drain, and such order, together with the report of the viewers on which the ditch is established, shall be notice to all the world of the existence of such lien, and this act shall be liberally construed to promote the drainage and reclamation of wet or overflowed land; and amounts due to contractors holding the viewers' certificate of acceptance shall not be defeated by reason of any defect in

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the proceedings occurring prior to the order of the County Court establishing the ditch: but such order or judgment of said court shall be conclusive that all prior proceedings were regular and according to law. The lien provided for in this act may be enforced by proceeding at law in the Circuit Court in any County in which said ditch or drain or a part thereof is located.

SEC. 31. That this act take effect and be enforced ninety days after its passage.

Approved April 23, 1891.

ACT CLXII.

AN ACT to Protect the People From the Frauds of Vendors of Patents and Patent Rights.

SECTION

1. Negative instruments given for patents must be on a printed form and show that it was executed for a patented machine
2. Appliance to patent- and family rights.
3. Penalty for violation.
4. Not to apply to Merchants.
4. Act in force from passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That hereafter any vendor of any patented machine, implement, substance, or instrument of any kind, or character whatsoever, when the said vendor of the same effects the sale of the same to any citizen of this State on a credit, and takes any character of negotiable instrument, in payment of the same, the said negotiable instrument shall be executed on a printed form, and show upon its face that it was executed in consideration of a patented machine, implement, substance or instrument, as the case may be, and no person shall be considered an innocent holder of the same, though he may have given value for the same before maturity, and the maker thereof may make defense to the collection of the same in the hands of any holder of said negotiable instrument, and all such notes

not showing on their face for what they were given shall be absolutely void.

SEC. 2. That the foregoing section shall also apply to vendors of patent rights, and family rights to use any patented thing of any character whatever.

SEC. 3. That any vendor of any patented thing of any character, or any vendor of any patent right or family right to use any patented thing of any character whatever, who shall violate the provisions of section one of this act, shall upon conviction be punished by a fine of not more than three hundred dollars.

SEC. 4. This act shall not apply to merchants and dealers who sell patented things in the usual course of business.

SEC. 5. That this act take effect from and after its passage.

Approved April 23, 1891.

ACT CLXIII.

AN ACT to Amend an act Entitled An Act to Amend Chapter 95 of Mansfield's Digest. Title, "Levees and Cutoffs."

SECTION

1. Amends chapter 95 Mansfield's Digest. County may divide overflowed lands into levee districts.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. The County Court of the several Counties in this State, containing lands subject to overflow, may divide the territory of their respective Counties subject to overflow, into one or more districts having reference to the locality of the land and the character of the river front, including in each of said districts as near as possible all lands subject to overflow from the same crevasses or direction and which can be protected by the same system of levees. *Provided*, That wherever it shall be made to appear in any way that there shall be land in two or more Counties subject to overflow from the same

crevasses or direction and which can be protected by the same system of levees, the directors of the several levee districts of the said two or more Counties may by the consent of the County Courts of said Counties entered of record consolidate their several districts into one district, and said directors shall constitute the Board of Directors for the consolidated district and shall represent their several districts in the same—said Board shall elect a President, a Secretary and Treasurer and an Auditor, and allow such salary to each as his services may justify. Said Levee Board shall control and supervise the interests of said consolidated levee system, and the officers of all County Levee Boards within said system shall report to said Board of Directors through their County Directors. Said Board may co-operate with any Levee Board of another State if necessary to complete their system of levees.

Approved April 24, 1891.

PRIVATE ACTS.

PRIVATE ACTS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF ARKANSAS,

Passed at the Session held at the Capitol in the City of Little
Rock, Arkansas, 1891.

ACT I.

AN ACT for the Relief of Aaron D. Burton.

PREAMBLE

Recites a certain indebtedness to the State by Aaron D. Burton

SECTION

1. Attorney-General authorized to satisfy judgment.
2. Act in force from passage.

WHEREAS, Aaron D. Burton being the owner of the equity of redemption of the northeast qr. of the southwest qr. of section twenty-one (21) in township eight (8) south in range twenty-one (21) west. Forty acres of land in Clark County,

ACTS OF ARKANSAS.

Ark., on the sixth day of January 1876 entered into an agreement with the State of Arkansas as shown by decree of redemption entered in record book "B" real estate record in the Pulaski Chancery Court to pay the prorata liability of said land by reason of the mortgage executed thereon for stock in the Real Estate Bank by A. H. Rutherford. The said prorata liability on said forty acres being one thousand and sixty-three dollars (\$1063.00) in fifteen annual installments of equal amounts with seven per cent. per annum thereon from the date of said decree and

WHEREAS, The said Aaron D. Burton has to date paid toward the satisfaction of said decree the total sum of fourteen hundred and ten dollars and forty-seven cents leaving a balance of interest due on said decree of one hundred and forty-six dollars, and

WHEREAS, The sums so paid by said Burton are greatly in excess of the value of said land by reason of the appreciation of the funds in which such payments were required to be made, and the rejection of "Holford Bonds" and the coupons thereof which were at the time of the making of said decree, and by the terms thereof receivable toward the satisfaction thereof, therefore in equity and justice between the State of Arkansas and one of its citizens.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the Attorney-General of the State be and he is hereby authorized and instructed to enter satisfaction in full on the margin of the proper record of the decree of redemption for the land hereinbefore designated and described.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 13, 1891.

ACT II.

AN ACT for the Relief of the Children of the Late Associate Justice of the Supreme Court, M. H. Sandels.

PREAMBLE

Recites that there was an interim between the death of Judge Sandels and the election of his successor and that it is right for the State to show some appreciation of his labors.

SECTION

1. The sum of \$750 appropriated to be paid to the children of Judge Sandels.

WHEREAS, The Hon. M. H. Sandels late Associate Justice of the Supreme Court of the State of Arkansas, died on the 12th day of November 1890, and

WHEREAS, There will be an interim in said office from the 12th day of November, 1890, until the successor of Judge Sandels shall have been qualified, and the amount appropriated to pay the salary of Judge Sandels for this interim be unrawn from the treasury, and

WHEREAS, It is deemed right and proper for the people of the State to give some evidence of their appreciation and affection for the memory of Judge Sandels, who, while upon the Supreme Bench displayed in an eminent degree all the qualities of head and heart that go to make a ripe jurist, and an upright, and learned Judge. Therefore,

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the sum of seven hundred and fifty dollars (the amount that would have been due Judge Sandels had he lived) be and the same is hereby appropriated out of the unexpended appropriation of the Legislature of 1889, to pay the salary of the late Judge Sandels, and the Auditor is directed to draw his warrant for the amount named in favor of Miss Kate Sandels, guardian of the children of Judge Sandels.

Approved March 16, 1861.

ACTS OF ARKANSAS.

ACT III.

AN ACT for the Relief of Bart. Y. Turner and the Sureties on his Several Official Bonds.

PREAMBLE

Rectes certain lands.

SECTION

1. Accounting officers directed to enter satisfaction of all accounts against B. Y. Turner as Sheriff and Collector of Phillips county from 1878 to 1884, except judgments.

WHEREAS, Bart. Y. Turner was, in the year 1878, elected to the office of Sheriff of Phillips County, and by successive elections continued to be Sheriff and Collector of said County until the expiration of the term ending in the year 1884, and

WHEREAS, Said Turner executed four several bonds as Sheriff, and eight several bonds as Collector upon which one hundred and sixty-nine citizens of Phillips County became sureties from time to time, and

WHEREAS, At the close of the official term of the said Turner, it was claimed by various persons and officials that discrepancies and shortages existed in his accounts as Sheriff and Collector, and

WHEREAS, Three several suits were instituted against said Turner and sureties on his several official bonds to ascertain the extent of the alleged arrearages in his said accounts, and to collect the amount thereof when so ascertained; that in one of said suits in the Phillips Circuit Court judgment was recovered in favor of the State and said County for about four thousand dollars, and the other of said suits were upon defenses interposed by said Turner, decided in favor of the defendants and dismissed, and

WHEREAS, No further suits have since that time been brought, now about five years since, although the proper law officers of the State have been twice by joint resolution of the General Assembly, directed to bring such suits, and the said Turner has at all times expressed a willingness to have an investigation into his affairs made; and

WHEREAS, It is unjust to said Turner and his said sureties to continue to carry his accounts upon the books of the State

and County in an unsettled State, in the face of his denial of liability and of the failure of the law officers to pursue him, in the manner prescribed by law for such an unreasonably long time; therefore,

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the several accounting officers of the State and of the several sub-divisions thereof having upon the books and records kept by them respectively unsettled and unadjusted accounts against Bart Y. Turner as Sheriff and Collector of Phillips County for the period from 1878 to 1884, be and they are hereby respectively directed to enter satisfaction thereof, and this act shall operate as a full acquittance and discharge to said Turner and his said sureties on his several official bonds as such Sheriff and Collector, from all liability incurred in favor of said State or any sub-division thereof, except such as may have heretofore been reduced to judgment in any court of competent jurisdiction.

Approved March 23, 1891.

ACT IV.

AN ACT for the Relief of William C. Gentry, of Pike County Arkansas.

PREAMBLE

Recites the purchase of certain lands by William C. Gentry on which he has over paid.

SECTION

1. Relieves William C. Gentry from any further payments and decree satisfied.
2. Act in force from passage

WHEREAS, On the 27th day of March, 1875, William C. Gentry, as owner of the equity of redemption, as purchaser from A. B. Clingman, and also from the receiver of the Real Estate Bank, to the following described lands mortgaged to the Real Estate Bank of the State of Arkansas, by A. B. Clingman, viz.:

The N. W. qr. of the N. E. qr. of section ten (10) the S. E. qr. of section three (3), and the S. W. qr. of S. W. qr. of section three (3) in T. eight (8) S. range twenty-two (22), containing 240 acres; agreed with the State by consent and order of the Pulaski Chancery Court, to assume the payment of the amount found due the State by said Chancery Court, being the sum of two thousand, one hundred and eighteen dollars and sixty cents (\$2118.60) in fifteen (15) annual installments, each to bear interest at the rate of seven per cent. per annum, and gave his obligation therefor; and

WHEREAS, The said Gentry has paid on his said obligations the sum of fourteen hundred and seventeen 34-100 (\$1417.34) dollars, and

WHEREAS, Said Gentry has paid already largely more than said lands are intrinsically worth as evidenced by the fact that a number of persons who entered into the same kind of agreement to purchase their lands of at least equal value as his (said Gentry's) and in the same vicinity, after paying two or three installments allowed their purchases to lapse and the lands to become forfeited to the State, and after the said forfeitures, the same lands were appraised by appraisers appointed by the Governor, and said lands were sold by the State under said appraisements for two-thirds (2-3) or three-fourths (3-4) less than the sum agreed upon with or through the Chancery Court as aforesaid, and

WHEREAS, The Said Gentry still owes the State under the agreement aforesaid the sum of seventeen hundred and twenty-six and 87-100 dollars (\$1726.87) the payment of which would work a great hardship on said Gentry, therefore

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That said William C. Gentry be and he is hereby relieved and released from the payment of any other or further sum or sums of money on account of the purchase of the following described Real Estate Bank lands:

N. W. qr. of the N. E. qr. section ten (10) S. E. qr. of section three (3) and S. W. qr. of the S. W. qr. of section three

(3) T. eight (8) S. range twenty-two (22) west, under an agreement entered into by him with the State by consent of the Pulaski Chancery Court on the 27th day of March 1875, and that satisfaction of the decree of redemption of said lands in favor of said Gentry be endorsed on the margin of the record of said decree of redemption in the Pulaski Chancery Court, and a certified copy of said decree so endorsed to be entitled to record and have the force and effect of a deed to the lands therein described.

SEC. 2. That this act be in force from and after its passage.

Approved March 24, 1891.

ACT V.

AN ACT for the Relief of George A. Floyd, of Fulton County, Arkansas.

PREAMBLE

Rectes certain facts.

SECTION

1. State Land Commissioner to issue to George A. Floyd a donation deed to certain lands.

WHEREAS, George A. Floyd of Fulton County, Arkansas, purchased from John M. Richmond for a valuable consideration in the year 1876, the N. E. 1-4 of S. E. 1-4 of section 7, in township 20, in range 8, west and thereafter erected a substantial dwelling house on said land (as he supposed) together with necessary out buildings establishing his residence in said house and proceeded to clear, fence and otherwise improve said land, expending thereon the sum of \$200, and

WHEREAS, Several years after the purchase aforesaid he ascertained that said land was forfeited to the State for the non-payment of the taxes of 1873, and thereupon donated the same, on the 3rd of February, 1888, and

WHEREAS, The survey required by law to be made part of the proof of improvement disclosed the fact his said residence

lacked about ten feet of being situated on said land, through [though] his smoke house, out buildings and other improvements were situated thereon, wherefore, the Commissioner of State Lands rejected his proof of improvement, and refused to execute his deed to said George A. Floyd, and

WHEREAS, The said George A. Floyd in addition to the sum paid for said land has placed such valuable improvements thereon, that owing to his age and condition in life will be an irreparable loss to him, and having in good faith substantially complied with the requirements of the law. Now, therefore

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the Commissioner of State Lands be and he is hereby authorized to execute and deliver to said George A. Floyd upon the presentation of the aforesaid proof of improvement and payment of the usual fee a donation deed to said northeast quarter of southeast quarter of section 7 township 20, N. range 8, west.

Approved April 9, 1891.

ACT VI.

AN ACT to Pay T. Harding for Services as Architect and Superintendent in the Construction of Additions and Improvements Upon the State House in 1885 and 1886.

PREAMBLE

Recites that T. Harding was not paid for certain devices.

SECTION

1. Appropriates \$500 for services rendered by T. Harding.
2. Act in force from passage.

WHEREAS, T. Harding was employed by the Board of Commissioners for the improvement of the State House in 1885 as architect and superintendant in the construction of additions and other improvements then made, and

WHEREAS, The appropriation for the payment of said work was exhausted before payment of said T. Harding for his services and

WHEREAS, Said Harding has never been paid and was not presented at the last session of the Legislature on account of the failure of said Harding to give public notice as required by law. Therefore

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That the sum of five hundred dollars (\$500) is hereby appropriated out of any money in the treasury not otherwise appropriated to pay T. Harding for services as architect and superintendent in the construction of additions and improvements to the State House in the years 1885 and 1886.

SEC. 2. This act shall take effect from and after its passage.

Approved April 23, 1891.

JOINT RESOLUTIONS.

JOINT RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF ARKANSAS,

Passed at the Session Held at the Capitol in the City of Little
Rock, Arkansas, 1891.

No. 1.

JEWS IN RUSSIA.

WHEREAS, The renewed sufferings of the Jews in Russia from the operations of the severe and exceptionable edicts against them, and the liabilities placed upon them, are deeply to be deplored, and

WHEREAS, In this last decade of the nineteenth century, religious liberty is a principle which should be recognized by every christian community as among natural rights. Therefore

Be it Resolved by the House of Representatives, the Senate concurring therein:

That the United States Senators of the State of Arkansas be and they are hereby instructed, and its members in Congress requested to use their influence that the National Government convey to the Government of Russia an earnest prayer for consideration of milder regulation affecting the Jews in that country.

Approved February 13, 1891.

PROPOSED AMENDMENT TO THE CONSTITUTION.

Resolved by the Senate and House of Representatives of the General Assembly of the State of Arkansas, a majority of all the members elected to each House agreeing thereto:

That the following article shall be proposed as an amendment to the Constitution of the State of Arkansas, which, when agreed to by a majority of all the members elected to each House and adopted by a majority of the electors of the State voting at the next general election for senators and representatives, shall become a part of the said Constitution, namely:

Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of twenty-one years, Who has resided in the State twelve months, in the County six months, and in the precinct or ward one month, next preceding any election at which he may propose to vote, except such persons as may for the commission of some felony be deprived of the right to vote by law passed by the General Assembly, and who shall exhibit a poll tax receipt or other evidence that he has paid his poll tax at the time of collecting taxes next preceding such election, shall be allowed to vote at any election in the State of Arkansas. *Provided*, That persons who make satisfactory proof that they have attained the age of twenty-one years since the time of assessing taxes next preceding said election and possesses the other necessary qualifications, shall be permitted to vote, and *Provided further*, That the said tax receipt shall be so marked by dated stamp or written endorsement by the judges of election to whom it may be first presented as to prevent the holder thereof from voting more than once at any election.

Approved April 7, 1891.

CONCURRENT RESOLUTIONS.

CONCURRENT RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF ARKANSAS,

Passed at the Session Held at the Capitol in the City of
Little Rock, Arkansas, 1891.

No. 1.

HOUSE CONCURRENT RESOLUTION.

*Be it Resolved by the House of Representatives, the Senate
concurring therein:*

That the United States Senators of the State of Arkansas
be and they are hereby instructed, and its members in Con-
gress be requested to urge the early passage of the bill H. R.
81, being entitled "A Bill for the relief of purchasers and other
grantees of the United States of certain swamp and overflowed
lands and to reimburse and indemnify certain States."

Approved February 13, 1891.

No. 2.

HOUSE CONCURRENT RESOLUTION.

WHEREAS, On account of various publications in the news-
papers of the country, and an intimation contained in the Gov-
ernor's message, it becomes expedient that an investigation of

the accouts of State Treasurer Hon. Wm. E. Woodruff with the State of Arkansas be made.

Resolved by the House of Representatives, the Senate concurring.

That a joint committee of both Houses, consisting of three members of the House and two of the Senate be appointed whose duty it shall be to thoroughly investigate the official accounts of State Treasurer Woodruff with the State of Arkansas and report the result of said investigation to their respective houses as soon as practicable.

Resolved, further, That the said committee be empowered to administer oaths, send for persons and papers, and to perform all other duties necessary to a successful conduct of said investigation ; and that said committee be permitted to sit during the session of the General Assembly.

Approved January 20, 1891.

No. 3.

SENATE CONCURRENT RESOLUTION.

Resolved by the Senate, the House of Representatives concurring therein:

That a committee of five (5) members of the House and three (3) from the Senate, be appointed to visit the Arkansas Industrial University and examine into its condition, management and efficiency, and report the same to this body, with such recommendations as the committee may deem proper.

Approved January 21, 1891.

No. 4.

SENATE CONCURRENT RESOLUTION.

Resolved by the Senate, the House of Representatives Concurring Herein:

That a committee of three members from the Senate, and three members from the House be appointed to visit the Branch Normal School at Pine Bluff, Ark. And that the said committee be instructed to make a thorough investigation concerning the management and needs of the said institution and report the same to this body at their earliest convenience.

Approved January 23, 1891.

No. 5.

HOUSE CONCURRENT RESOLUTION.

Resolved by the House, the Senate Concurring:

That a joint committee be appointed, composed of five members from the House, and three from the Senate to look after and investigate the management and efficiency of the Geological Survey of this State, to ascertain the value of its work, its progress and development, the qualities, quantity and location; giving Counties, ranges, and townships; of all developments that have been made for the two years ending January the 1st 1891, and to make recommendation concerning its completion or discontinuation.

Approved January 29, 1891.

No. 6.

HOUSE CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate Concurring:

That the joint committee to be appointed under joint resolution heretofore adopted to investigate the State of accounts

of W. E. Woodruff as Treasurer with the State of Arkansas, be instructed to enquire whether said Woodruff ever at any time during his incumbence in office, loaned any of the funds of the State to any person or corporation, and if so, to whom, when and what amounts, and, under what circumstances; and to report the result of their investigations, to this General Assembly. *Provided*, Said committee when so appointed is hereby authorized to engage the services of one or more skilled and competent accountants as clerks, if necessary in order to make a full and complete investigation of the affairs, accounts and transactions of the Treasurer's office since its occupancy by the present incumbent; and, *Provided, further*, That if said committee cannot make a full and complete investigation of said accounts and transactions, during the present session, then it shall report as fully as possible what progress it has made before the adjournment of the General Assembly.

Approved January 29, 1891.

No. 7.

HOUSE CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate concurring therein:

That the State Treasurer be and is hereby requested to furnish, at once to the General Assembly a full, complete and correct list of the bonded indebtedness of the State of Arkansas, and the names of the holders thereof.

Approved February 3, 1891.

ACTS OF ARKANSAS.

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No. 8.

SENATE CONCURRENT RESOLUTION.

Resolved by the Senate, the House of Representatives concurring therein:

That a joint committee consisting of three members from each House on Constitutional Amendments be appointed by the President of the Senate and Speaker of the House, to whom all resolutions proposing amendments to the constitution shall be referred. Said committee to report not exceeding three amendments if they deem the same proper.

Approved February 3, 1891.

No. 9.

HOUSE CONCRURENT RESOLUTION.

WHEREAS, The present convict lease system is unsatisfactory to the people of the state; and

WHEREAS, The present lease contract will expire before another Legislature is likely to convene; and

WHEREAS, The present penitentiary site is in the midst of the city of Little Rock and is inimical to its growth, health and prosperity.

Therefore be it resolved by the House of Representatives of the State of Arkansas, the Senate concurring therein:

That the committees on the penitentiary of each house be instructed to make the following investigation and report to their respective Houses as soon as possible.

1st. To locate a building site near some railroad outside the limits of the city of Little Rock which location shall contain not less than three hundred and twenty (320) acres of land, ascertain the cost of said tract of land; and, all other information that is necessary in carrying out the intent of this resolution.

ACTS OF ARKANSAS.

2nd. Ascertain from the Lessees of the penitentiary upon what terms, and at what time it would suit them to surrender their lease contract to the State.

3rd. Ascertain as near as possible the cost of building a suitable penitentiary on said tract of land, using convict labor for all purposes where it can be utilized.

4th. Ascertain as near as possible the amount of money the State could realize from the sale of the present penitentiary site laid off in suitable lots for residences.

Approved February 3, 1891.

No. 10.

HOUSE CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate concurring therein:

That we postpone action on the bill to appropriate one hundred thousand dollars to make an exhibit of the resources of Arkansas at the Columbian exposition to be held at the city of Chicago in 1893, until final disposal of the force or Lodge bill.

Approved February 4, 1891.

No. 11.

HOUSE CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate concurring therein:

That the joint committee to whom were referred the various resolutions proposing amendments to the Constitution be requested to report on or before the 20th day of February, 1891.

Approved February 13, 1891.

No. 12.

HOUSE CONCURRENT RESOLUTION.

Resolved by the House, the Senate concurring:

That the Treasurer be and he is hereby authorized to pay out on the appropriation for the mileage, per diem, and contingent expenses of the General Assembly, any moneys that he may receive to the credit of the general revenue fund.

Approved February 13, 1891.

No. 13.

SENATE CONCURRENT RESOLUTION.

WHEREAS, We believe that whatever fosters educational enterprises in our State, fosters the general welfare of the State, and

WHEREAS, We believe it is our duty to take such steps as will give impetus to every noble enterprise in the State, and especially to take such steps as will beget within the rising generation a greater love for our State, and

WHEREAS, We believe that it will foster educational work and beget a greater love for our State in the hearts of the young people to have the mineral and agricultural resources of our State represented in the various colleges throughout the State. Therefore, By the Senate of Arkansas, the House concurring therein.

Resolved, That the Commissioner of Agriculture and Minerals be instructed, and he is hereby instructed by the General Assembly of the State of Arkansas, to distribute agricultural and mineral specimens, (giving as far as possible the name of specimens and telling where they are found in the State) to the different colleges and universities of the State, so that as far as possible, these resources may be fully represented in every college and university (denominational and otherwise) in

the State; *Provided*, That ample specimens be retained in the Commissioner's office to represent the State to the best advantage.

Approved February 15, 1891.

No. 14.

SENATE CONCURRENT RESOLUTION

WHEREAS, That the law provides that before the commencement of each regular session of the General Assembly there shall be printed by the public printer, in time for delivery with the Governor's message, the official reports of all the State officers and of the State institutions, and

WHEREAS, The public printer has failed as required by law to print said official reports, and there is unnecessary delay in doing the printing required by the General Assembly. Therefore be it

Resolved by the Senate, the House concurring therein:

That the committee of the Senate and the committee of the House on printing, be and they are requested and instructed to investigate the contract of the State with the public printer the cost of such printing to the State, and if such printing is done at a reasonable cost to the State, the reason the printer has not delivered the official reports as required by law, and report to their respective Houses.

Approved February 19, 1891.

No. 15.

HOUSE CONCURRENT RESOLUTION.

WHEREAS, The House of Representatives has been informally notified that the sureties on the late State Treasurer Wood-

ruff's official bond did on yesterday, the 19th inst. pay into the State Treasury the sum or sums of money reported to be due by or from him to the State. Therefore be it

Resolved by the House of Representatives, the Senate concurring:

That the special joint committee on investigation of the Treasurer's accounts be and they are hereby instructed and directed to report to their respective Houses at the earliest practicable day all the facts and circumstances connected with the said payment, and, and especially as to the aggregate amount paid; the funds or accounts upon which the same was paid and by whom and when paid.

Approved February 28, 1891.

No. 16.

HOUSE CONCURRENT RESOLUTION.

WHEREAS, It appears from the reports heretofore submitted to the Senate and House of Representatives, by the special joint committee on investigation of the Treasurer's accounts, and from information received from other sources; that late State Treasurer Wm. E. Woodruff did at various times during his several terms of office as State Treasurer loan public funds in wilful violation of law, and also did likewise convert or apply other such funds to his own use or benefit, and wilfully fail or omit to pay over other such funds to his successor in office, at the expiration of his last term of office as required by law. Therefore be it

Resolved by the House of Representatives, the Senate concurring:

That the Governor be and he is hereby advised of the said derelictions of the said late State Treasurer.

Resolved further, That it be and is hereby suggested and recommended to the Governor that he suggest to the proper

officers that the said Wm. E. Woodruff, and all other persons connected with him in the said derelictions either as principals or accessories, to be apprehended and proceeded against therefor under the criminal laws of the State.

Approved February 28, 1891.

No. 17.

HOUSE CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate concurring therein:

That the present General Assembly of the State of Arkansas be and the same is hereby extended until Saturday at twelve o'clock (m.) of the fourteenth day of April, 1891, unless another and earlier day shall be agreed upon for final adjournment.

Approved March 14, 1891.

No. 18.

SENATE CONCURRENT RESOLUTION.

Resolved by the Senate, the House agreeing thereto:

That until finally disposed of, appropriation and apportion-bills, and all bills regulating taxation be given the right of way over all other business and that any business on proceeding in relation to either of said class of bills shall be considered privileged questions.

Approved March 20, 1891.

HOUSE CONCURRENT RESOLUTION.

Resolved by the House of Representatives of the State of Arkansas, the Senate concurring:

That a committee be appointed of three from the House and two from the Senate to visit the Lunatic Asylum and find out the number of idiots confined in that institution contrary to law, and report as soon as possible to their respective bodies.

Approved March 20, 1891.

SENATE CONCURRENT RESOLUTION.

WHEREAS, There is a large amount of money due the State of Arkansas by various railroads in the State as taxes over-due against said railroads, and

WHEREAS, The General Assembly at its session of 1887, provided for and directed suits to be brought for the collection of said over-due taxes, and

WHEREAS, It appears that no effort has been made to collect said taxes as so provided by said act, except the filing of one suit by Hon. Dan W. Jones, during his term of office, Therefore

Resolved by the Senate, the House of Representatives concurring therein:

That the Governor is hereby directed to proceed immediately, in accordance with an act of the General Assembly approved March 1st, 1887, to cause suits to be instituted and proceedings to be had for the collection of all over due taxes, due from corporations as mentioned in said act.

Approved March 24, 1891.

ACTS OF ARKANSAS.

No. 21.

HOUSE CONCURRENT RESOLUTION.

Resolved by the House of Representatives of the State of Arkansas, the Senate concurring:

That the United States Senators of the State of Arkansas be, and they are hereby instructed, and its members in Congress requested, to use their influence to secure such amendments to the Constitution of the United States, as will cause United States Senators, and the President and Vice President of the United States to be elected by the popular vote of the people.

Approved March 27, 1891.

No. 22.

SENATE CONCURRENT RESOLUTION.

WHEREAS, It is, and should be, the highest ambition of our State and National Government to provide and maintain the most efficient system of education in our common schools, and

WHEREAS, A fixed and adequate source of revenue, by the States is essential to this end, and

WHEREAS, The sale of the public domain has become a small factor in the revenue of the General Government. Therefore

Resolved it, That the General Assembly of the State of Arkansas earnestly and respectfully memorialize the Congress of the United States to grant, release and donate to the State of Arkansas, all the public lands now known and held as United States lands within the geographical limits of the State, the same to be held by the State in her own right, and subject to the provisions of the General Assembly of the State, and to be by it classified into agricultural, mineral and timber lands, and as such to be placed upon the market and sold, the proceeds of all sales to be set apart and used as a permanent

State school fund for the benefit of the common schools of the State.

Resolved and, That our Representatives in Congress be requested and our Senators instructed to use their utmost endeavor to secure to our State, this her prayer.

Approved April 8, 1891.

No. 23.

HOUSE CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives of the State of Arkansas, the Senate concurring therein:

That the Board of Commissioners for the State Penitentiary be and it is hereby requested to procure all available information respecting the management of the State prisons in the various States of the Union, and report the same to the General Assembly during the first week of the next regular session thereof; together with such suggestions and recommendations in relation to the future management of the penitentiary of this State as may be deemed advisable by said Board.

Approved April 8, 1891.

No. 24.

SENATE CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House concurring therein:

That during the last three days of the present session of the General Assembly, the Senate and the House shall each attend exclusively to bills, resolutions or amendments emanating in the other House, *Provided*, That either House may, for a special purpose, to be named, suspend this rule in that house; and when any such suspension is made, notice shall be imme-

diately given the other house ; and *Provided further*, That this rule shall not operate to preclude the consideration of apportionment, appropriation, and tax measures made privilege questions by former concurrent resolution.

Approved April 8, 1891.

MEMORIALS.

MEMORIALS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF ARKANSAS,

Passed at the Session Held at the Capitol in the City of
Little Rock, Arkansas, 1891.

No. 1.

*Resolved by the House of Representatives of the State of Arkansas,
the Senate concurring:*

That our Senators and Representatives in Congress are hereby requested to use all honorable means for the passage of some measure or a constitutional amendment, if necessary to prevent the establishment of any lottery in any State of the United States.

Approved February 3, 1891.

No. 2.

Be it Resolved by the House of Representatives of the State of Arkansas, the Senate concurring:

That the following memorial be adopted and copies of the same be forwarded to Congress :

To the Honorable, the Senate and the House of Representatives of the United States of America in Congress assembled:

Your memorialists, the General Assembly of the State of Arkansas, respectfully protest against the passage of the bill now pending before Congress commonly known as the "Conger Bill," entitled "A Bill defining lard, also imposing a tax upon and regulating the manufacture, sale, importation and exportation of compound lard," and against the enactment of any law of a like or kindred nature. Such legislation, your memorialists respectfully submit, is inimical to the interests of this, and other cotton growing States of the Union and is productive of no good to the people anywhere. Its effect will be to destroy an important industry of the country and at the same time increase the price of a necessary article of food. Its operation will be in the interest of hog lard trusts, and against the tenant farmers of the Southern States, who depend largely for subsistence upon the money value of cotton seed produced by their industry. It is class legislation of a most pernicious kind, contrary to the genius of our government, unfair to our people, and worthy only the condemnation of all good men.

Your memorialists further submit that all the good effects which can possibly grow out of legislation of this character can be accomplished by the bill reported in the Senate of the United States, on the 3d day of June, 1890, by Mr. Paddock, from the committee on agriculture and forestry, entitled "A Bill for preventing adulteration and misbranding food and drugs, and for other purposes," and we respectfully ask the passage of that bill by the Congress, believing that it will be conducive to the health of the people of the whole country and subversive to the prosperity of no part of it.

And in duty bound your memorialists will ever pray &c.

Approved February 23, 1891.

No. 3.

To the Honorable Senate and House of Representatives of the United States of America.

Your memorialists, the General Assembly of the State of Arkansas, would respectfully show your Honorable body that the Levee along the Arkansas river from Pine Bluff, Jefferson County to the mouth of the Arkansas river is greatly in need of repair, and unless the same is repaired and rebuilt at an early day the Countries along said river will be subject to the most disastrous overflows, rendering the fertile fields along said river unfit for cultivation, and the inhabitants along said river will be compelled to leave their homes or suffer great loss of property. The residents and land owners along said river feel unable to make the necessary repairs, but are ready and willing to do whatever is in their power towards repairing the same if your Honorable body will give them assistance.

Wherefore they pray your Honorable body to make an appropriation to improve and repair the said Levee from Pine Bluff to the mouth of said river.

Approved February 24, 1891.

CERTIFICATE.

OFFICE OF SECRETARY OF STATE, }
LITTLE ROCK, April 20, 1891. }

I certify that the foregoing printed public and private Acts, Joint and Concurrent Resolutions and Memorials, are true copies respectively, of the original rolls on file in this office, with the exception of the words in brackets, thus: [], inserted to correct obvious errors.

B. B. CHISM,
Secretary of State.

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